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AND

SPEAKER ANDREW STEVENSON  
OF VIRGINIA

AN EPISODE  
OF

THE TWENTY-SECOND CONGRESS

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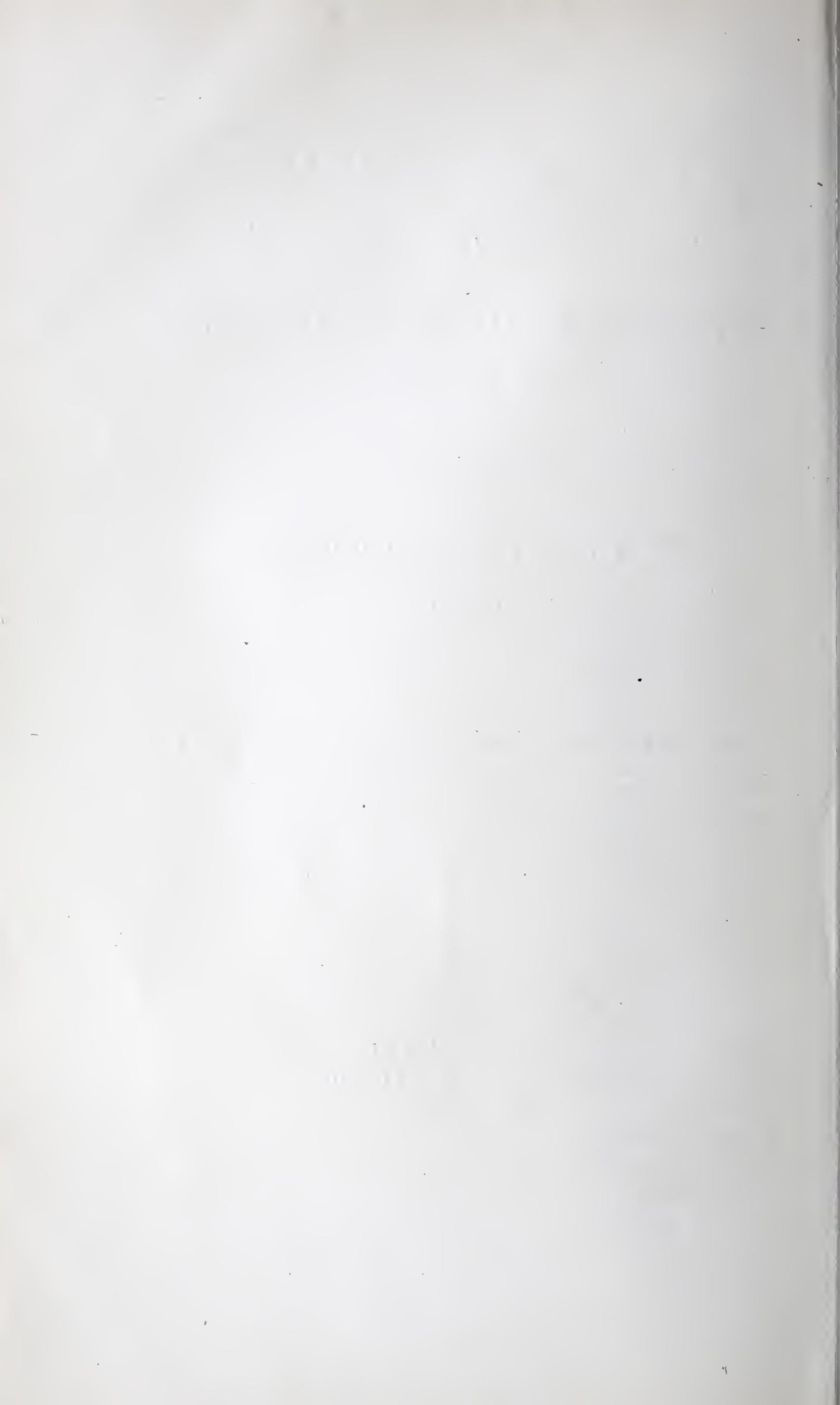
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THE TWENTY-SECOND CONGRESS

(1832)

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# AN EPISODE OF THE TWENTY-SECOND CONGRESS (1832).

[Prepared as a paper for the Massachusetts Historical Society, and now printed from its plates, the numbering of the pages of the original publication has, for convenience of reference, been retained in this reprint. As the narrative is to a large extent drawn from manuscript sources, or material practically inaccessible to investigators, the reference, in case of citation, should be to the Proceedings of the Massachusetts Historical Society, Series II, Volume XIX.

In connection with the personages and course of events referred to in the paper the following facts should be borne in mind:— The Twenty-second Congress covered the closing two years of President Jackson's first administration (1832–1833). Henry Clay had gone out of public life on the inauguration of Jackson, March 4, 1829, but was elected to the Senate by the legislature of Kentucky in 1831, taking his seat in December of that year. Pronounced in his opposition to the methods and measures of Jackson, Mr. Clay had then already been put in nomination for the presidency by the parties opposed to a re-election as the result of the canvass of 1832. What was known as the “American system,” of which Mr. Clay was the exponent, was in full operation, and had found its latest expression in the Tariff of 1828, known by those opposed to it as “the Bill of Abominations.” J. C. Calhoun voiced the more extreme opposition to that tariff. Having been Vice-President during the Adams administration [1825–1829], Mr. Calhoun had been re-elected in 1828, and his second term as Vice-President was to expire March 4, 1833. He was then to take his seat as a Senator from South Carolina. Meanwhile, throughout his second term as Vice-President he had been maturing and expounding his constitutional theories of states-rights and nullification. What hold those doctrines

had obtained on the Slave States was, in 1831 and the earlier months of 1832, still in doubt. In November, 1832, however, the South Carolina convention was to settle that question by enacting its ordinance of nullification.

Mr. Webster had, in 1832, been four years in the Senate. His colleague was Nathaniel Silsbee of Salem (1773-1850). The Massachusetts delegation in the House of Representatives of the Twenty-second Congress consisted of thirteen members, among whom, in addition to J. Q. Adams, were Isaac C. Bates, Rufus Choate, John Davis, and Edward Everett, all four subsequently in the Senate; also George N. Briggs, member of the House from 1831 to 1844, and Governor of the Commonwealth from 1844 to 1851; and, finally, Nathan Appleton, of Boston.]

A year or so ago, I received a letter from Professor H. LaF. Wilgus, of the Ann Arbor University, calling my attention to a reference, in Judge Story's Commentaries on the Constitution, to a letter addressed by J. Q. Adams to Andrew Stevenson, Speaker of the Twenty-second Congress. The letter, it was there stated, had appeared in the *National Intelligencer* of July 12, 1832. Professor Wilgus now wished to consult it, and asked if a copy could be procured from the family files. I certainly had never heard of such a letter; or, if I had heard of it, my memory was at fault. No trace of it could be found in the family files, nor any reference to it in the published *Memoirs* of J. Q. Adams. Indeed, in the *Memoirs*<sup>1</sup> there is an editorial note to the effect that J. Q. Adams made no records in his diary between March 23 and December 1, 1832. This period of nearly eight months covered not only the time during which the letter referred to must have been written, but also the four months and more succeeding its publication. It was therefore necessary to have recourse to the files of the *Intelligencer*; the letter was there found, filling between five and six columns of the paper. Relating to controversies of the period in which it was written, and of the yet earlier period of Jefferson's administration, this Stevenson letter, though buried and wholly forgotten in the files of the *Intelligencer*, has still a distinct historical value. I accordingly caused it to be copied; and now, with

<sup>1</sup> Vol. viii. p. 502.

the approval of the Editor, submit it to the Society to be included in its Proceedings.

The circumstances of the preparation of the letter seem to have been somewhat as follows:— March 4, 1829, Mr. Adams was succeeded in the presidency by Andrew Jackson, and retired to private life. At the November election of the following year (1830) he was chosen to represent the Massachusetts congressional district known as the Plymouth district, and, as he wrote at the time, then became “a member elect of the Twenty-second Congress.” Thus drifting back, as he expressed it, “amidst the breakers of the political ocean,” he established a precedent,— an ex-President reappearing in public life as a member of the popular legislative branch of that government of which he had recently been the executive head. The Twenty-second Congress met December 5, 1831, and Mr. Adams then took his seat. Andrew Stevenson, of Virginia, an administration or Jackson Democrat, was the same day elected Speaker by the House of Representatives, he having also been Speaker in both the two previous Congresses. His principal opponent was Joel B. Sutherland, of Pennsylvania, also a Jackson Democrat, “both,” as Mr. Adams wrote, “men of principle according to their interest, and there is not the worth of a wisp of straw between their values.”<sup>1</sup> Mr. Adams voted for John W. Taylor, of New York. The humorous side of the situation, so far as the new member from Massachusetts, *quoad* ex-President, was concerned, almost at once became apparent. First chosen Speaker in December, 1827, as the candidate of an intensely bitter opposition to the Adams administration, in forming the committees of the present House Mr. Stevenson plainly did not know what to do with the ex-President. With no precedent for its disposition, he had an elephant on his hands. In view of his long and varied diplomatic experience and his eight years’ tenure of the State Department, the proper place for Mr. Adams was obviously on the Committee on Foreign Affairs. To be named second upon that committee would perhaps, in the case of an ex-President, be regarded as *infra dignitatem*, but the chairman of that committee should clearly be in sympathy with the administration, which the ex-President was not. On the contrary, that no personal relations

<sup>1</sup> Memoirs, vol. viii. p. 431.

existed between General Jackson and Mr. Adams was notorious.<sup>1</sup> - So, after full reflection, Speaker Stevenson had evidently reached the conclusion that he could not appoint Mr. Adams on the one committee to which he ought to be assigned. Where then could a place meet for him be found? A new member and counted in the opposing minority, he must yet be a chairman, and, if anyhow possible, chairman of an important committee. The times were troubled; the great issues were over the tariff and the United States Bank, with nullification an incident to the first. Though the great debate between Webster and Hayne had occurred just two years before (January, 1830), Calhoun, the apostle of nullification, still occupied the vice-presidential chair, while South Carolina was the following November (1832) to embody the new heresy in an ordinance. The "tariff of abominations," so called, passed in 1828, in the administration of J. Q. Adams, and consequently approved by him, was the prolific source of discord. This fact seems to have suggested to Speaker Stevenson a way out of his quandary. He availed himself of it. He appointed the ex-President chairman of the Committee on Manufactures, upon which committee, under the system of reference then in congressional vogue, would devolve the difficult task of dealing with the issues which the defiant attitude of South Carolina towards a protective tariff was rapidly forcing to the front. The assignment was, under the circumstances, at best obviously embarrassing; but Speaker Stevenson took good care in no way to ameliorate its asperities. The committee was composed of seven members; of the six beside the chairman, one only was in political accord with the ex-President; the remaining five were all Jackson Democrats, and, as such, had been his more or less bitter political opponents.<sup>2</sup> Three of the six had sat in the preceding Congress; three were new members. So far as Mr. Adams was concerned, the arrangement was courteous; for Speaker Stevenson it was apparently an adroit escape from an awkward

<sup>1</sup> Memoirs, vol. viii. p. 454.

<sup>2</sup> This apparently was not the first time that Mr. Stevenson, as Speaker, had thus manipulated the Committee on Manufactures. In the Twentieth Congress (1828-30) he had placed Rollin C. Mallary, of Connecticut, a protectionist, at its head; "but, on all important test votes, five members of the seven acted with the opposition to the protective policy." Stanwood, *American Tariff Controversies*, vol. i. pp. 268, 269.

situation. Mr. Adams, however, seems to have heard the announcement with something closely resembling dismay. He at once recognized the position as one of high responsibility, and, perhaps, of labor more burdensome than any other in the House; but, he wrote, it is "far from the line of occupation in which all my life has been passed, and [a position] for which I feel myself not to be well qualified. I know not even enough of it to form an estimate of its difficulties. I only know that it is not the place suited to my acquirements and capacities."

Brought up in contests incident to the development of the idea of independence and, subsequently, of the rights of neutrals, involved in fierce controversies and intricate diplomatic entanglements growing out of the wars of Napoleon and the national hunger for territorial expansion, J. Q. Adams was no economist or financier. Questions of that class did not appeal to him, nor did he grasp their bearings. To such an extent was this the case that our associate Mr. Stanwood asserts that during Mr. Adams's administration no mention is found of the tariff in any of his messages to Congress;<sup>1</sup> and, in one of the debates now about to take place, he made an "astonishingly naïve remark" in which he referred to what had been one of the chief bones of contention in the tariff debates during his own administration as something of which he had only recently become advised.<sup>2</sup> General Jackson even, Mr. Stanwood further tells us, "had been supported in the North as a stanch tariff man, more earnest in the cause of protection than Mr. Adams."<sup>3</sup>

From the time of his return to America after the Peace of Ghent absorbed in official studies and duties, he had found, as he freely admitted, no time left in which to "pursue the progress of the Science of Political Economy." He had, he confessed, never looked into "Ricardo's book," and "knew nothing even of Malthus's Definitions."<sup>4</sup> And now he heard his name suddenly announced as chairman of the House Committee on Manufactures! What did he know about manufactures? About tariff schedules, what? Nevertheless, he

<sup>1</sup> American Tariff Controversies, vol. i. p. 275.

<sup>2</sup> *Ibid.*, p. 378.

<sup>3</sup> *Ibid.*, p. 366.

<sup>4</sup> See letter of J. Q. Adams to A. H. Everett, of April 15, 1830, The American Historical Review, vol. xi. p. 334.

forthwith proceeded with characteristic devotion to apply himself to the work in hand; and, so doing, he developed almost at once another humorous side, even if the humor of it was to him not apparent, in his new situation "amidst the breakers of the political ocean," — he was brought into sharp collision with his own Secretary of State of four years before when the Tariff of Abominations was enacted, for Mr. Clay, now in the Senate, was the recognized leader of the opposition, and its presidential nominee. When the two met at the Capital for the first time, both newly come back into public life, — the late Secretary in the upper legislative chamber, the ex-President in the lower, — Mr. Clay good-naturedly asked of Mr. Adams how it felt, this "turning boy again to go into the House of Representatives"; and on Mr. Adams telling him that so far the work was light enough, Clay repeated several times that when the House got to business, Mr. Adams would find the "situation extremely laborious." The only comment on this made by Mr. Adams was — "that I knew right well before."

In 1832 the national revenue was in excess of the requirements of the government, and Mr. Clay now suggested to Mr. Adams the expediency of increasing duties to such an extent as to discourage imports, thus reducing revenue. Mr. Adams's comments on the proposal were in several ways suggestive: —

"To increase the duties for the express purpose of diminishing the revenue was an idea well deserving of meditation, and which had not occurred to me.<sup>1</sup> I asked whether, in the gracious operation of remitting taxes, there would not be a mixture of harshness in extending the protective system, and a danger of increasing the discontents of the Southern States, already bitterly complaining of the unequal operation of the duties.

"He said the discontents were almost all, if not entirely, imaginary or fictitious, and in almost all the Southern States had, in a great measure, subsided. Here is one great error of Mr. Clay."

Two days later an informal tariff conference was held, and the two took part in it. In his account of what here occurred, Mr. Adams wrote: —

<sup>1</sup> The question had been discussed in its constitutional bearing by Mr. Webster, "in a form to attract public attention, twelve years before." See Stanwood, Tariff Controversies, vol. i. p. 341.

"Mr. Clay laid down the law of his system. He said the policy of our adversaries was obvious — to break down the American system by accumulation of the revenue. Ours, therefore, should be specially adapted to counteract it, by reducing immediately the revenue to the amount of seven or eight millions this very coming year. He would hardly wait for the 1st of January to take off the duties ; and he would adhere to the protective system, even to the extent of increasing the duties on some of the protected articles.

"Mr. Clay's manner, with many courtesies of personal politeness, was exceedingly peremptory and dogmatical. There was some discussion of his statements, but nothing said in opposition to them."

Up to this point Mr. Adams had preserved silence ; but it so chanced that, at his suggestion, the Committee on Manufactures had already assured the Secretary of the Treasury that there should be a prospective reduction of duties, not to commence until the extinguishment of the national debt, then a contingency not remote, and one which Mr. Adams had much at heart. On this came the clash. Mr. Adams rose and remarked that,—

"with regard to an immediate remission of duties, I ought in candor to state that the Committee on Manufactures of the House were already committed upon the principle that the reduction of the duties should be prospective, and not to commence until after the extinguishment of the national debt. If the proposed bill should pass the Senate, which I very much doubted, upon coming to the House it would be referred to the Committee of Ways and Means, who would probably report by way of amendment an additional reduction of seven or eight millions more. It must be distinctly understood that I could support, or vote for, no bill which would conflict with the pledge given by the Committee of Manufactures to the Secretary of the Treasury. I observed that an immediate remission of duties, with a declared disposition to increase the duties upon the protected articles, would be a defiance not only to the South, as had been observed by Mr. Everett, but defiance also of the President, and of the whole Administration party ; and against them combined I thought it not possible that this bill should pass.

"Mr. Clay said he did not care who it defied. To preserve, maintain, and strengthen the American system he would defy the South, the President, and the devil ; that if the Committee of Manufactures had committed themselves as I had stated, they had given a very foolish and improvident pledge ; there was no necessity for the payment of the debt on the 4th of March, 1833 ; and much more of like import. To which I made a respectful, but very warm, reply. . . . It would be a

great and glorious day when the United States shall be able to say that they owe not a dollar in the world ; and this payment of the debt would obviate another difficulty suggested by Mr. Clay. There would certainly be no accumulation of revenue within that time. As to the bill, I thought it would be well to watch its progress with a vigilant eye. . . .

“ There was then a proposition that the same committee which had prepared this bill should proceed to mature a plan for reducing the duties on the protected articles ; but Mr. Clay declined, and moved that the meeting should dissolve itself. He was evidently mortified and piqued. He had come to the meeting to give his little Senate laws. The meeting, with the exception of myself, was as obsequious as he was super-presidential.”

Evidently the tilt had been a lively one, somewhat suggestive of certain episodes in the negotiations which preceded the Treaty of Ghent eighteen years before. Not for the first time had the two come into collision.<sup>1</sup>

Mr. Adams was a good deal disturbed over his passage with Mr. Clay. For reasons which would at once suggest themselves, he most earnestly wished to give his old associate and the present leader of the opposition to his successor in the White House no cause of offence. The next morning, therefore, he took occasion to ask Mr. J. W. Taylor, of New York, if in the conference he had in anything he had said given any just cause of offence to Mr. Clay. Not only had Mr. Taylor then sat in the House through nine Congresses, but, succeeding Mr. Clay himself as Speaker in 1820, he had again been chosen to the chair of the Nineteenth Congress. He was accordingly a high authority on such questions ; and he now allayed Mr. Adams’s anxiety by assuring him that there had been on his part no disregard of amenities ; but he further intimated that as much could not be said for Mr. Clay, who “ had come to the meeting a little flustered — he had been dining abroad, and talked more freely than he would reflect on with pleasure.”<sup>2</sup>

This occurred on the 29th of December ; and now Mr. Adams’s troubles began. On the 31st he received a letter from a South Carolina correspondent giving an account of the temper manifested by the legislature of that State, which, he remarked, “ is atrocious.” Then came articles from the

<sup>1</sup> Memoirs of J. Q. Adams, vol. iii. pp. 74, 129-136, 140-144.

<sup>2</sup> Memoirs vol. viii. pp. 448, 449.

Charleston papers representing him to have taken the Southern side of the question in the Committee on Manufactures. Finally Mr. Adams took his position in favor of a reduction of the tariff as a matter of compromise, —

“something must be given up on both sides ; there was so little of that spirit on either side that I had scarcely a hope of effecting anything ; but that I believed the plan of reduction ought to come from the Treasury Department, and I for one should be disposed to give to such plan every aid in my power, so far as should be consistent with my duties. I should certainly not consent to sacrifice the manufacturing interest ; but something of concession would be due from that interest to appease the discontents of the South.”

But the outlook now seemed to Mr. Adams very discouraging. Theretofore, he wrote, he had supposed the Union of the States was to last for ages ; but now “I disbelieve its duration for twenty years, and doubt its continuance for five. It is falling into the sere and yellow leaf.” And again, a few days later, —

“the conviction is pressed upon me more and more, from day to day, of my utter inability to render any valuable services to the country. I would not prematurely despair of the republic, but my forebodings are dark, and the worst of them is in contemplating the precipices before us — yawning at our feet from the very pinnacle of prosperity to which we have been raised and on which we stand.”

This was on the 1st of March. Meanwhile that laboriousness of the situation which Mr. Clay had two months before predicted for Mr. Adams was on a steady increase. He found himself utterly unable to guide or control the committee of which he was the head, — it was a case of “total disagreement on all sides.” The administration members wished to reduce the tariff, retaining a small duty on all articles ; while the single real political sympathizer Mr. Adams had in the committee, — Mr. Condict, of New Jersey, — as a follower of Mr. Clay, wanted an immediate and total repeal of duties on all unprotected articles ; coupled, not improbably, with a decrease of revenue through an increased duty on protected articles. The political manœuvre obviously was to prevent the early extinguishment of the national debt, while at the same time preserving unimpaired Mr. Clay’s “American system.” As usual, it was a strictly partisan situation with which Mr.

Adams found himself confronted ; and he himself was not a partisan. Yet under these circumstances there devolved upon him the preparation of an elaborate report, introductory of an intricate bill, both dealing with great business interests he little understood. The economical issues involved were far from simple ; but, simple or the reverse of simple, they were confused by political and constitutional considerations of the gravest character. In vain did Mr. Adams now seek to be excused from further service on the Committee on Manufactures, on the ground that he had been named second on a special committee just appointed to investigate the United States Bank, and must go with it to Philadelphia. Extreme unwillingness to excuse him was evinced ; it was thought he might render " much service by conciliating the parties." Mr. Adams, however, insisted that he could accomplish nothing, — he found that he had " not the slightest weight with either of the parties." " My situation," he wrote, " is distressing deeply, without prospect of coming out of it creditably ; but I cannot withdraw from it, and must abide by the issue." The diary entries continue until March 23. On the 22d he called a meeting of his committee. All but one member were present. " I read my two fragments of a draft for a report upon the modification of the tariff, — parts of which were satisfactory to one member and displeasing to another, other parts were the reverse. It was to no one entirely satisfactory." The next day he was in Philadelphia, with the special committee on the affairs of the United States Bank. On the 23d the diary entries cease. The committee remained at Philadelphia, in constant session, until the 17th of the following month. During this period brief daily memoranda only were made, from which full diary entries were at some future time to be written up. That time never arrived.

In the assignment of business, the House had referred to the Committee of Ways and Means so much of the President's message as related to " relieving the people from unnecessary taxation after the extinguishment of the public debt," while it had sent to the Committee on Manufactures so much as related to " manufactures and a modification of the tariff." The same subject was thus referred to two committees. George McDuffie, of South Carolina, was chairman of the Ways and Means. Thus of the two, so to speak, competing

committees having the same issues in charge, one had at its head a free-trade nullifier from South Carolina, the other a protectionist and constitutional latitudinarian from Massachusetts. The Committee on Ways and Means was apparently much more amenable to control than that on Manufactures. In any event, Mr. McDuffie forestalled the rival committee by submitting, February 8, a very long report contesting the constitutionality of a protective tariff. The Committee on Manufactures was more refractory; but at last, after infinite discouragement, Mr. Adams did actually succeed in bringing the members into something remotely resembling harmony. It was agreed that he might report a bill in general accordance with the views of Mr. McLane, then Secretary of the Treasury, providing for reform in the "tariff of abominations" in several important respects, and for a mild reduction in duties; but every member of the committee reserved the right to oppose the measure in whole or in part. As to the report which accompanied the bill, in submitting it Mr. Adams frankly stated that the committee had indulged him with permission so to do, but the document was to be taken as an expression of his views alone. Different members, he added, approved different parts of the report; but there was perhaps no member of the committee who approved the whole of it, except the reporter himself.<sup>1</sup>

The report and bill (Twenty-second Congress, First Session, House Report, No. 481) were not presented until May 23, fifteen weeks after that of the Ways and Means Committee, and, comparatively speaking, in the later stages of the session. It was a curious outcome. The defeated head of the last administration had become on the floor of the House of Representatives the exponent of the revenue views of the existing administration, and was advocating a measure most objectionable in essential respects to that party of opposition with which he in the main sympathized. The fact was that Mr. Adams, as subsequent events showed, gauged the existing national conditions far more correctly than did Mr. Clay. As he had recorded five months before, "one great error of Mr. Clay" lay in his belief that "the discontents [over the so-called American system] were almost all, if not entirely, imaginary or fictitious, and in almost all of the Southern

<sup>1</sup> Gale's and Seaton's Register of Debates, 1832, p. 3091.

States had, in a great measure, subsided.”<sup>1</sup> The action of South Carolina only six months later was to prove the utter fatuity of this belief; but in the mean time the measure now proposed by Mr. Adams was the expression of “an earnest desire to conciliate and harmonize the adverse feelings and interests of the two divisions of the Union.” “That their own views,” Mr. Adams wrote on behalf of his committee, “will in all respects obtain the sanction of this House, or the approbation of the country, they cannot flatter themselves; but they would reluctantly resign the hope, that the principle of compromise which forms the vital spirit of the bill now reported, may be quickened in its progress through this and the other House of Congress to a solid adjustment of the great controversy which now agitates the nation.”<sup>2</sup> So far as the particular measure now submitted was concerned this hope proved futile. The relief afforded was deemed inadequate; and the Act of July 14 1832 (the Adams tariff), like the previous Act of May 19, 1828 (the “Bill of Abominations”), was, by the South Carolina ordinance of the 24th of November following, declared null and void, and of no effect in that State. It then remained for Mr. Clay, recognizing at last the real facts of the situation, to bring forward in the following February the much larger and more comprehensive measure, which, framed in that “principle of compromise” declared to be “the vital spirit” of the bill reported by Mr. Adams, and on the lines laid down in the report of May, 1832, allayed for a period of nearly thirty years the irrepressible conflict between the systems and sections. The interval thus gained was, too, vital; it afforded scope for the growth and development of that railroad system which through private corporate enterprise in due time first supplemented, and then supplanted as a binding ligament in the Union of the States, that system of internal improvements on which Mr. Adams set such store and which he had so much at heart. The unexpected again occurred.

It was on the 23d of May that the Committee on Manufactures submitted its report; and now another humorous side of the situation developed itself. Andrew Stevenson was a typical Virginian of the states rights and strict construction school. Like most of that school, believing in State sovereignty, he held

<sup>1</sup> Memoirs, vol. viii. p. 443.

<sup>2</sup> Report, No. 481, p. 28.

nullification to be a heresy ; but he was no friend of Clay's American system, and he was wholly opposed to internal improvements. Mr. Adams, on the contrary, was a strong advocate of internal improvements. From an abstract, politico-economic point of view, his reasoning and conclusions were undeniably crude. Not standing the test of analysis, Adam Smith would distinctly have reprobated them. None the less, in their practical connections with existing conditions, both political and material, there was much to be said in their favor. In 1832, it must be remembered, corporate action was in its infancy ; they were as yet experimenting only with steam power ; electricity was a toy of the scientist ; the Union hung very loosely together. So, with a view to a more firmly cemented country, Mr. Adams looked on the tariff as a source of revenue to be expended in what he regarded as the all-important work of furthering internal improvements. Studying the problem from the point of view of a statesman, and not from that of a theorist or college professor, he kept three ends steadily in view :—(1) the extinction of the national debt ; (2) a tariff concession to meet the reasonable requirements of the agricultural and slave States ; and (3) the vigorous development of a system of public works : and, of these, the last depended on whether the Constitution was interpreted in a strict or a liberal spirit. He read the Constitution broadly, and in the light of the first two decades of the century,—the Embargo, the War of 1812, and the Hartford Convention. A unionist, he believed in a strong and beneficent central government. His report was so framed ; and Speaker Stevenson found reason to conclude that he had made a mistake in his assignments,—he had much better have put the ex-President on the Foreign Affairs committee, and there left him to settle as best he could his personal differences with the Jackson executive. As it was, his elephant had assumed the aspect of a bull, loose and altogether unmanageable, making havoc among the Virginia bric-à-brac of the constitutional china-shop. But the mischief was done ; it only remained to administer whatever most potent of correctives might be at hand. So Mr. Speaker Stevenson, like a true Virginian, bethought himself of the authority of Mr. Madison as a strict constructionist, and produced a letter from that ex-President, then in retirement, written in 1830 and controverting *in toto* the latitudinarian constitutional

views emanating from his successor, as now set forth in the highly objectionable report of the Committee on Manufactures. This letter presently appeared in the columns of the Richmond Examiner, and naturally attracted much attention. Coming from Mr. Madison, it was well calculated to call out Mr. Adams, for to President Madison he had been under great political obligations. It was Madison who had sent him to Russia in 1809; it was Madison who had appointed him at the head of the commission which negotiated the Treaty of Ghent in 1814; it was Madison who, the same year, had named him for the English mission; and now to have the Speaker of the House of which he was a member invoke Mr. Madison's great authority to stamp his utterances as heresies was more than he could submit to in silence. Here too he was in his element. The question was no longer one of tariff schedules; it involved an interpretation of the fundamental law. For that discussion Mr. Adams felt himself well equipped. So, undismayed by the labors he already had on his hands, he incontinently set to work on a rejoinder.

Though, as already stated, there are no regular diary entries made by Mr. Adams covering the very interesting period preceding the passage of the tariff of 1832 and the subsequent enactment by South Carolina of the ordinance of nullification, Mr. C. F. Adams is hardly correct in saying that there is here "a blank in the record, spreading over eight months."<sup>1</sup> On the contrary, every day during those eight months has its record in the handwriting of Mr. Adams, though sometimes the entries are only a few lines in length, written in characters so tremulous as to reveal painfully an overwrought physical as well as mental condition. Mr. C. F. Adams very properly deemed these memoranda not sufficiently perfect for publication; and yet as early as the 5th of July, eleven days before the adjournment of Congress brought relief, they assume the shape of a diary record, and so continue until December, when their publication is resumed in the printed Memoirs.

Some of these earlier memoranda throw light on the Stevenson letter; a few of them have by time now become otherwise interesting; as also are passages in the familiar letters written by Mr. Adams at this period to members of his family.

<sup>1</sup> Memoirs of J. Q. Adams, vol. viii. p. 502.

The question of a renewal of the charter of the United States Bank was before Congress. The special committee to look into the affairs of the bank went to Philadelphia March 23, and Mr. Adams did not get back to Washington until April 17. From Philadelphia he wrote to Mrs. Adams, March 31 :

" My next call was upon Judge Hopkinson . . . While I was there Count de Survilliers came in, with his nephew, recently arrived ; the youngest son of Lucien Bonaparte, about sixteen years old.<sup>1</sup> The newspapers have noticed his arrival in this country ; and his resemblance to the portraits of Napoleon in his early years. This likeness is remarkable.

" The Count in a conversation of two or three hours, gave us a free and unreserved account of the present condition of the Bonaparte family ; and spoke of himself, and his brother Napoleon, with a sort of historical impartiality — He talked much of the older and junior branches of the House of Bourbon — He thinks that the reign of Louis Philippe will not be of long duration. That if he had taken the precaution immediately after the revolution of July, 1830, to obtain an election by the People, he might have stood firmer on the throne. As he did not attempt this the Count supposes that there was about three months afterwards a very favorable prospect for the son of Napoleon and of Marie Louise — but *now*, that the tendencies are all to a Republic. His discourse rather indicates a spirit of despondency. He related the substance of the intercourse between him and General Lafayette when he was here, some part of which was altogether new to me."

5 April: — " From the debate in Senate, on the Bill reported by the Committee on Manufactures, and from the laying of that Bill on the Table, by the votes of its friends, I conclude that they have at last discovered, what I thought very discoverable in December as I then told them — that they cannot carry such a Bill even through the

<sup>1</sup> Joseph Bonaparte (1768-1844), ex-King of Spain, had travelled under the name of Surviglieri ; after coming to America, where he arrived in September, 1815, he adopted the name and title of Comte de Survilliers, from a small village so called near Mortefontaine, the estate formerly owned by Joseph in the department of Oise, some twenty miles from Paris in a northeasterly direction. The son of Lucien Bonaparte referred to was Pierre-Napoleon (1815-1881) ; his younger brother, and the youngest son of Lucien, Antoine (1816-1877), was at this time on his way to America, but did not arrive until after his uncle had sailed for Europe (July 20, 1832). Pierre-Napoleon in July, 1832, went to South America, where he served for a short time in the army of General Santander, President of New Grenada. Returning to Europe, he attained, after a roving life of adventure and towards the close of the second Empire, an unpleasant notoriety by shooting and killing the editor, Victor Noir, at Auteuil (January 10, 1870). He died at Versailles, April 7, 1881.

Senate. And indeed from the day of the appointment of this Bank Committee, I have been fully convinced that no serious Tariff Question will be settled at this Session of Congress — as the South Carolina nullifiers have given notice that *if* the Tariff is not modified this Session, *they* will act, I am inclining to the opinion that it will be as well to give them the opportunity to make good their threat. If they do, it will relieve us from the necessity of reducing the duties at all, for instead of superfluous revenue we shall be much more likely to suffer from a deficiency. If they do not, I have a lingering hope that the next Session will be more favourable to the adjustment of the Tariff question peaceably than the present. I catch like a drowning man at a straw at anything that may relieve me from the enormous responsibility under which they have affected to place me on the subject by attributing to me an influence which they well know I do not possess, either over themselves or others."

April 19, to C. F. Adams, then living in Boston: —

"I came from Philadelphia on Monday — through in one day — to the honour and glory of Steam-boats and Railroads; and without getting my neck broken — no thanks to the Bladensburg Bridge, where we came within an inch of it.<sup>1</sup>

"I have fallen as the vulgar adage has it from the frying pan into the fire. From trying the Bank at Philadelphia I came, and find myself trying Samuel Houston, ex-member of Congress — ex-governor of Tennessee — ex-Choctaw Indian and so forth, for a breach of the privileges of the House by an assault upon William Stanberry, a member of this House.<sup>2</sup> We are in the midst of it; but as the Printers can no more than the Players keep counsel, I shall leave it to them to tell you the tale."

<sup>1</sup> The following memorandum in the diary refers to this incident: — "With Ellis, Ritchie and six others I took immediately a stage of the line of Stockton and Stokes and came to Washington. We narrowly escaped broken necks in crossing the Bladensburg fountain bridge. One horse fell and the carriage was within an inch of being thrown over into the brook. We went round by the Navy yard to land Mr. Ellis, and at ten minutes before midnight I reached home."

<sup>2</sup> William Stanberry, of Ohio, member of Congress from 1827 to 1833. A very bitter partisan, Mr. Stanberry had in a speech in the House charged Houston with an attempt to obtain a fraudulent Indian-ration contract. On the night of April 13, 1832, there was a rencontre between the two men on Pennsylvania Avenue. Houston addressed Stanberry, whom he recognized in the moonlight, and "no sooner had the answer escaped Stanberry's lips than Houston, as he was unarmed and had no time to close, levelled him to the ground, shivering his hickory cane upon his head. A pistol, held to the breast of Houston by the member from Ohio, had snapped, but missed fire." The affair led to a long legislative investigation, and proceedings in the criminal courts of the District. The legislative investigation resulted in an order of a reprimand, to be administered to

May 16, to C. F. Adams: —

“ The House of Representatives do not meet to-day. They will be occupied in following one of their members, Mr. Hunt of Vermont, to the House appointed for all the living ; and I have been all the morning with the Committee on Manufactures concocting a new Tariff Bill. Bank, Tariff and Apportionment absorb so totally my time that I have scarcely any left to think even of Heaven. The Transactions here for the last week will be apt rather to remind you of another place.

“ A copy of my Bank investigation report as published in the National Intelligencer, was sent you yesterday morning, and you may see in that paper of this morning that Judge Clayton,<sup>1</sup> the worthy Chairman of the Committee, declares his determination to make a personal affair of it. But you need not be alarmed for my safety, notwithstanding the introduction of Hickory Club and Pistol-bullet Law into Congress. The Judge intends only to answer my reasoning and prove himself a better Poet than I am.

“ If the Bank has brought me into all this trouble, how am I to get along with the Tariff? I expect to report a *Bill* tomorrow; but what is to become of it and of myself for reporting it, is in the Council of higher Powers. My Bank report extinguishes all the fire of my Southern friends — I suppose the Tariff Bill will demolish me in the North — and then —

“ Why then for the Biography of the last, and the Oaks of the next Century.”<sup>2</sup>

May 23. To Mrs. Adams: —

“ Yesterday was the day of my deliverance of the Tariff Report and Bill. Deliverance — that is from the Committee to the House. What the fate of the Bill will be there, is doubtful. I think it will be lost, and am not over anxious for its fate. . . .

“ We have had no more Pistol, Dirk and Hickory Club law since the Houston by the Speaker, at the bar of the House. The order was carried by a party vote. The criminal proceedings resulted in the imposition of a fine of \$500, the payment of which was ultimately remitted as one of the last acts of Jackson’s presidency. Crane, *Life of Samuel Houston*, vol. i. pp. 42–44. Houston’s victory at San Jacinto occurred four years later, April 21, 1836.

<sup>1</sup> A. S. Clayton (1783–1839), of Georgia, member of Congress from 1832 to 1835. Reputed to be the author of the political pamphlet “ David Crockett’s Life of Van Buren.”

<sup>2</sup> The reference is to a biography of his father on which Mr. Adams had already begun, and the fragment of which prepared by him C. F. Adams subsequently, in 1855, incorporated in his edition of the *Life and Works of John Adams* (see Preface to vol. i.). At Quincy Mr. Adams was much interested in tree planting, especially in a nursery of oaks. He had a seal cut with oak leaves and an acorn as emblem, and the motto *Alteri Seculo*. See *Memoirs*, vol. viii. p. 548.

affair of Arnold,<sup>1</sup> but as usual some newspaper War. A large number of members of both Houses of Congress have been several days absent at the Van Buren Vice Presidential Convention at Baltimore."

In brief diary memoranda under date of May 30 and 31:—

May 30:—"Committee on Manufactures. I was directed to move in Committee of the Whole to lay aside McDuffie's bill and take up ours. H. R. U. S. Crawford finished his speech, attacked my report. I moved that the bill should be laid aside. Discussion upon the point of order. Sutherland moved to strike out the first section of McDuffie's bill. Appleton's speech in reply to McDuffie. Quotations from Malthus, Senior, Ricardo, and McCulloch."<sup>2</sup>

May 31:—"I attempted to write this evening but was obliged to desist and go to bed. This oppression of toil is greater than I can bear."<sup>3</sup>

June 4:—"Adjourned at 4. Dined with Carson.<sup>4</sup> Company of about 30. Calhoun, Clay, Webster, Poindexter, Bibb, Hayne, Wickliffe, Daniels, W. R. Davis, N. Biddle and others. A strange assortment."<sup>5</sup>

<sup>1</sup> Thomas D. Arnold (1798-1870), of Tennessee, member of Congress from 1831 to 1833 and from 1841 to 1843. On the 14th of May, 1832, he indulged in a course of debates in severe denunciations of a certain Major Morgan A. Heard. As he was leaving the Capitol the same day, he was attacked by Heard, who wounded him with a bullet fired from a horse pistol, and struck him with a cane. Mr. Arnold knocked Major Heard down, took away his pistol as a trophy, and left him helpless on the ground.

<sup>2</sup> Nathan Appleton (1779-1881), of Massachusetts, member of the Twenty-second and Twenty-seventh Congresses. Mr. Appleton was an authority on questions of tariff, currency, and banking. He supported the bill of the Committee on Manufactures. See his own account of the speech of May 30th referred to in the text in *Proceedings*, vol. v. pp. 277, 278.

<sup>3</sup> Mr. Adams at this time had no secretary, and with the conveniences and appliances at his command it is difficult to see how he did the work voluntarily assumed or imposed on him. He wrote slowly, and, owing to a steadily increasing tremor of the hand, probably writer's palsy, with great difficulty. During this session, beside attending to his own daily correspondence, he prepared three elaborate reports, or letters, (1) on the tariff and manufactures, May 23; (2) on the Bank of the United States, May 14; and (3) the letter to Mr. Stevenson, July 12, — in all over one hundred and twenty closely printed pages; this, in addition to constant committee work and legislative attendance. He accomplished what he did only by rising always at 5 A. M., and working steadily until he went to the Capitol. His diary he had to abandon. Apparently what he wrote was never copied, and went to the compositor with little revision. It was a case of first impression, and a slowly flowing pen.

<sup>4</sup> Samuel P. Carson, of North Carolina, member of Congress from 1825 to 1844.

<sup>5</sup> Of those named, the first six were in the Senate: Mr. Wickliffe (1788-1869) was a Representative from Kentucky; Mr. Daniels (1793-1873) was also

June 6. To C. F. Adams:—

“I am unable to write or even to think of anything relating to my private affairs. I am weary of the Session of Congress, and never was so much harassed in my life. It is becoming more than I can bear, and if I can come out of this Session of Congress with a sound intellect, I will never, I think, be so swallowed up with business again.

“Tell your Mother that I am now at midnight dropping asleep over my paper; to be up again at five in the morning.”<sup>1</sup>

June 14:—“Left the House at 6. Company to dine. J. C. Calhoun, H. A. S. Dearborn, E. Everett, T. L. McKenney, G. McDuffie, C. F. Mercer, Mr. Silsbee, G. C. Verplanck, J. G. Watmough, D. Webster and Jos. M. White. Calhoun came late. White’s Turtle and Fox-grape wine.<sup>2</sup> But where is the precious Time?”

June 18:—“Tariff Bill. Davis’s amendment modified. Drayton and Hoffman against it—and Polk—rejected. Amendments in details. Many on the articles of wool and woollens. Turbulent and tumultuous scene. Adjourned between 8 and 9 in the evening.”

June 24:—“Visit to G. McDuffie<sup>3</sup> and to J. C. Calhoun. Long conversation with Calhoun upon Constitutional questions and Nullification.”

June 25:—“Debate on Resolution for adjournment. Threats of dissolution of the Union. My reply. Called to order by the Speaker. House pass to the orders of the day.”

June 28:—“Tariff Bill. McDuffie’s speech of three hours against it. Previous question moved by Heister.<sup>4</sup> Call of the House.

a Representative from Kentucky; Mr. Davis (1793–1835) was a Representative from South Carolina; Nicholas Biddle (1786–1844) was President of the United States Bank, then seeking a renewal of its charter. Passed by Congress, the measure was vetoed by President Jackson July 10, 1832.

<sup>1</sup> Mrs. Adams was at Quincy.

<sup>2</sup> Joseph M. Witte, of Florida, member of Congress from 1825 to 1837.

<sup>3</sup> George McDuffie (1788–1851), then a Representative from South Carolina. As chairman of the Committee on Ways and Means of the Twenty-second Congress, Mr. McDuffie, while a bitter opponent of the tariff, favored a renewal of the charter of the United States Bank. At that time there was, as already noted, a degree of rivalry between the two committees, Ways and Means, and Manufactures, and, besides being an advocate of nullification, Mr. McDuffie and Mr. Adams were opposed to each other in the debate on the tariff. Both were members of the committee sent to Philadelphia to investigate the United States Bank. From Philadelphia Mr. Adams had written to Mrs. Adams on April 5:—“I have taken a particular liking to Mr. McDuffie. From the commencement of this session of Congress you know that not a word had passed between him and me, until we were brought together on this Committee. We are now *almost* friends. There are traits in his character, which disclose themselves upon approaching intimacy, and which conciliate esteem and attachment.”

<sup>4</sup> William Heister (1791–1853), of Pennsylvania, member of Congress from 1831 to 1837.

"Bill passed 65 to 132. I moved to amend the Title. W. R. Davis moved a further amendment. E. Everett<sup>1</sup> the previous question which was carried. I told Everett I did not thank him for that. The House soon after adjourned."

June 29:—"Call on D. Webster, with papers relating to the Tariff Bill. Long conversation with him. . . . Dined with N. Biddle at Gadsky's. H. Clay, McDuffie, Daniel, Crawford,<sup>2</sup> Banks,<sup>3</sup> Bullard,<sup>4</sup> Watmough,<sup>5</sup> etc. were of the company. Jovial. I came home about 10 P. M. I am under an agitation of mind which I sometimes fear may unseat my reason. *Nullum Numen adest, ni sit Prudentia.*"

That day he wrote to Mrs. Adams:—

"I have been chained to my seat in the House nearly three weeks upon *my* Tariff Bill (as they call it) from ten in the morning till 7-8-9-10 at night; and yesterday afternoon, after a speech of three hours by Mr. McDuffie against it, the bill passed the House, by a majority of more than two to one—132 to 65. Mr. Appleton, Gen. Dearborn<sup>6</sup> and Mr. Reed<sup>7</sup> of the Massachusetts Delegation voted with me *for the bill*. The rest of the Delegation against it. They, and the Southern Nullifiers could not swallow it. The Administration party fought inch by inch against every amendment, most of which were carried against them—and at last they voted for the Bill. It is now before the Senate—and what will become of it then—who can tell? It goes to them like wormwood—I hope they will not send back to the House gall. It is, in spite of all you have heard about it, now a very good bill—and so think and say no small number of those who voted against it."

July 5:—"Violent attacks on me in the Boston Courier and the Richmond Enquirer.<sup>8</sup> Dearborn showed me a letter he had written to J. T. Buckingham."<sup>9</sup>

<sup>1</sup> Edward Everett (1794-1865) was member of the House from 1825 to 1835; in the Senate 1853-1854.

<sup>2</sup> T. H. Crawford (1786-1863), of Pennsylvania, member of Congress from 1829 to 1833.

<sup>3</sup> John Banks (1793-1864), of Pennsylvania, member of Congress from 1831 to 1836.

<sup>4</sup> H. A. Bullard (1781-1851), of Louisiana, member of Congress from 1831 to 1834, and again from 1850 to 1851.

<sup>5</sup> J. G. Watmough (1793-1861), member of Congress from 1831 to 1835.

<sup>6</sup> General H. A. S. Dearborn (1783-1851), member of Congress from 1831 to 1833. General Dearborn represented the Roxbury district.

<sup>7</sup> John Reed (1781-1860), member of Congress from 1821 to 1841, representing the Cape district; Lieutenant-Governor of Massachusetts from 1845 to 1851.

<sup>8</sup> The Richmond Enquirer represented the views of Speaker Stevenson.

<sup>9</sup> Joseph T. Buckingham (1779-1861), founder of the Boston Courier, which he edited from 1824 to 1848.

July 6:—"I went into the Senate, and heard the debate on the amendments to the Tariff Bill reported by their Committee on Manufactures. The first great struggle was for the Woollen Minimum. Clay and Webster made their great concerted effort to carry them. Answered by Hayne, Tazewell, S. Smith and Benton. Chambers apologized for voting against the minimum. Frelinghuysen said they were odious. Dallas, Wilkins and Douglas voted for them. Marcy against them. Rejected 24 to 23. The whole amendment rejected. Other amendments carried, and some rejected 24 to 24 by casting vote of Vice President.<sup>1</sup> Motion to raise woollen manufacture from 50 to 60 per cent *ad valorem* failed. Then Webster moved 57 per cent which was carried, Tipton of Indiana turning the scale. I came home about 6 P. M., leaving the Senate still in session. The House had adjourned before 3 for want of a Quorum."

July 8:—Sunday. "Bath with John<sup>2</sup> this morning in Potomack. . . . Heat insupportable. . . . Bank Veto Message in suspense. Almost disabled from writing. . . . After a day of tremendous heat there was this evening a heavy thunder gust. . . . Received a note from Mr. Webster returning my bundle of papers relating to the Tariff Bill. The Bill passed to the third reading last evening in Senate by a Majority of 31 to 15. I am still under deep anxieties concerning it. John S. Barbour<sup>3</sup> told me that the only reason for his voting against it was that he found it a Van Buren Bill."

The next three entries, those for July 9, 10 and 11, are more interesting, and, so far as they relate to public events, I give them in full:—

"9 v. Monday, 1832:—The Resolution for the appointment of a day of prayer on account of the cholera, was debated. I finally withdrew my appeal from the decision of the Speaker, who by an artifice of form evaded the direct question I had made. Stanbery reflected upon the Speaker more directly. Bell's motion to recommit and amend the Resolution prevailed. Tariff bill came from the Senate with amendments. I moved their reference to the Committee of Manufactures. They were referred to the Committee of the Whole on the State of the Union. Foster moved to suspend the rules to move a Resolution of censure upon Stanbery for his charge against the Speaker — nearly carried. Recess from 3 to half past four o'clock. Dined with J. W. Taylor. Sent an excuse to Mr. Clay. Afternoon session. Commit-

<sup>1</sup> J. C. Calhoun, of South Carolina.

<sup>2</sup> Second son of Mr. Adams. Born in Boston July 4, 1803; died in Washington, D. C., October 23, 1834; H. U. 1823.

<sup>3</sup> John S. Barbour (1790-1855), of Virginia, member of Congress from 1823 to 1833, and a member of the Committee on Manufactures.

tee of the whole on the State of the Union. Amendments of the Senate to the Tariff Bill passed through committee of the Whole. Some agreed, others disagreed to — reported to the House. Adjourned at 8 p. m. Went to Mr. Clay's. Found him and his company at the dessert. Mr. Rush<sup>1</sup> came home with me. Conversation with him.

“ 10. v. Tuesday. H. R. U. S. Found the house in Session, debating the Resolution proposed by Foster of Georgia to censure Stanbery for charging the Speaker with shaping his course to obtain office by seeking favour at the Palace. Question of order depending. Clay of Alabama<sup>2</sup> in the chair. Stanbery's words were not taken down when spoken. Clay decided that the motion for censure was in order. Mercer appealed and the question of order was debated till the orders of the day were called for and carried by yeas and nays. Tariff bill amendments of the Senate. Report from Committee of the Whole debated in the House. The principal amendments were disagreed to. Drayton's motion renewed. Speaker declared it in order. Bullard appeals. Decision of the Speaker reversed by the House 81 to 78. Previous question excluded me from speaking on the increase by amendment of the Senate from 50 to 57 per cent duty on high priced woollens. House adjourned at 5 p. m. The President's negative on the Bank Charter Bill was sent this morning to the Senate. M. Van Buren arrived here Sunday evening and lodged at the President's. Was in the House this morning.

“ 11. v. Wednesday — 65 years of age.

“ H. R. U. S. House in Session. Foster's Resolution of censure upon Stanbery debated. I spoke against it. Stanbery moves that Clay leave the chair. Words taken down. Polk's motion, words and conduct. Speaker Stevenson takes the chair — debate goes back to Foster's Resolution. Previous question carried. On my name being called I asked to be excused from voting for reasons assigned in writing. House refused. My name called again. I declined voting. Motion to reconsider the vote refusing to excuse me taken by yeas and nays. House refuse to reconsider. I still decline voting. Some confusion. Drayton<sup>3</sup> moves two Resolutions, — 1, charging me with violat-

<sup>1</sup> Richard Rush (1780-1859), of Philadelphia, son of Dr. Benjamin Rush, signer of the Declaration and the intimate personal friend and correspondent of John Adams. The relations of Richard Rush with J. Q. Adams were likewise both official and personal.

<sup>2</sup> Clement C. Clay (1789-1866), member of Congress from 1829 to 1835. He was father of Clement C. Clay, junior, subsequently a Senator of the United States from 1853 to December 10, 1860, and prominent as a Confederate during the Civil War and subsequent thereto.

<sup>3</sup> William Drayton (1776-1846), of South Carolina, member of Congress from 1825 to 1833. Though opposed to the tariff, he resisted the nullification movement; and, after retiring from Congress, he left Charleston, removing to Philadelphia, where he died.

ing a Rule of the House. 2, a committee to enquire what is to be done. After some debate consideration of these resolutions postponed. Question on Foster's Resolution by yeas and nays carried. Bullard — Daniel — Nuckolls — I moved a committee to meet committee of conference from the Senate on the Tariff Bill — Archer<sup>1</sup> objected to my being on the Committee. I assent — but insist that the committee of the House, like that of the Senate, should be of members on both sides. Adjourned before 3 p. m. I went into Speaker Stevenson's chamber, and told him there would appear in the National Intelligencer tomorrow morning a Letter from me to him; written in consequence of the publication with his authority of a letter from Mr. Madison to him; and which Letter the publisher affirms overthrows the heresy contained in my Report from the Committee of Manufactures. He seemed a little nettled at this notice — professed great respect for me, but admitted that he had furnished this Letter of Mr. Madison's to Ritchie at his request to refute the doctrines of my Report. Stevenson always disclaims intentions while he admits the facts which prove them. He was now very full of professions of respect for which I thanked him. . . . I commence the sixty-sixth year of my life in great distress of mind.

“ 12, v. Thursday. My letter to Andrew Stevenson, Speaker of the House of Representatives of the United States, was published in the National Intelligencer. I went to the Capitol shortly before the meeting of the House to see that the Journal of yesterday's proceedings in the House should be correct. There was one error which I pointed out to the Clerk, and which he corrected. H. R. U. S. Drayton's two Resolutions against me were soon taken up — Motion by Edward Everett to lay them on the table rejected 59 to 63. Motion of C. F. Mercer<sup>2</sup> to postpone them to 1 September not put. Motion of J. W. Taylor to postpone them till next Monday — debated — I charged Drayton himself with violation of Rule 20 in making his charges against me yesterday from another seat than his own — The Speaker instantly decided contrary to the Rule, that Drayton had been in order. Drayton began to speak and soon got out of order. I called him to order, and the Speaker decided that he was out of order. McDuffie moved that the two Resolutions should be referred to a committee, to which I objected — Wayne moved they should be laid on the table. Carried. Much miscellaneous business then quietly transacted. House adjourned at 6:5. . . . L. M'Lane called me out in the House. Said Mr. Clay had notice that the Tariff Resolution calling for a plan was in M'Lane's handwriting.”

<sup>1</sup> William S. Archer (1789–1855), of Virginia, member of the House from 1820 to 1835, and in the Twenty-second Congress chairman of the Committee on Foreign Relations; Senator from 1841 to 1847.

<sup>2</sup> Charles Fenton Mercer (1778–1858), of Virginia, member of Congress from 1817 to 1839. An active protectionist, Mr. Mercer was an anti-slavery advocate.

The following day he wrote to Mrs. Adams from his desk in the Representative Chamber : —

“ I wrote you on my birthday under a threatened resolution to expel me from this House or to commit me to the custody of the Sergeant-at-arms — Preparatory Resolutions to which had that day been moved by Col. Drayton. The majority of the House were in a towering passion with me for declining to vote upon what I thought an unconstitutional question.

“ The next morning the House cooled down wonderfully, and after duly trying my temper, voted by a large majority to lay Col. Drayton’s Resolutions on the table. . . . The pressure upon body and mind has been too much for me; but I am light-hearted, and hope to leave here next Tuesday morning. The cholera at New York has fixed so firmly the objections of our children to going on with me that I have ceased to urge them. . . .

“ My Tariff Bill, after running through half a dozen gauntlets, has passed by triumphant majorities of more than two to one in both Houses of Congress, and now, after the most desperate efforts to run me down for reporting it, and to drive me from my purpose of supporting it — now, Mr. Clay’s partizans are beginning to claim it as his bill; as he himself does, in his last speech before voting for it. The National Republicans are to claim for him all the good, that may come from it, and lay upon the unsound, unpracticable man, whatever evil may result from it. He has had a sharp skirmish with Benton about the Bank veto.<sup>1</sup>

“ 13, v. Friday. H. R. U. S. I presented a Petition from Hume Bell offering to sell a secret for curing the cholera for 100,000 dollars. Laid on the table. Offered a Resolution for a new Rule for transacting business in the House — about words spoken in debate — To lay over one day — Everett offers a Resolution for purchasing copies of Elliot’s Debates and Illustrations of the Constitution. Lays over a day. Motion to suspend the rule for transacting private business this day and to-morrow — Lost — Great number of private Bills acted upon. Senate receded from their disagreements and agreed to the Amendments of the House to theirs. Bill has thus passed both Houses. Senate announced the vote of the President upon the Bank Bill. House sat till 3 p. m. Then took a recess till 5. I walked home. House met at five and sat till eight. Private bills — a number passed — several rejected — Rebecca

<sup>1</sup> “ Clay assailed Benton vehemently as the bitter foe of Jackson in former times, and alluding to a duel they had once fought, whose marks Benton still carried on his person, taunted him with having said, in 1825, that if Jackson were elected President, our legislators would have to guard themselves with pistols and dirks. Benton pinned the charge as ‘ an atrocious calumny,’ and an angry scene followed.” (Schouler’s United States under the Constitution, vol. iv. p. 70.) See, also, Benton, Thirty Years’ View, vol. i. pp. 263, 264.

Blodgett's Bill passed — Candles lighted — No Quorum — Adjourned after 8 P. M. I came home fagged. . . . Quarrel in the Senate between T. H. Benton and H. Clay."

Congress having adjourned at 8 A. M. of Monday, July 16, Mr. Adams prepared at once to join Mrs. Adams, who, two months before (May 16), had left Washington and gone to Quincy. The diary of the journey of an ex-President and member of Congress from the seat of government to his Massachusetts home seventy-four years ago reads curiously now, and is for that reason perhaps worth reproducing; though, in the present case, it has no connection with or bearing upon the Stevenson letter. The cholera visitation of 1832, so frequently referred to, was, it will be remembered, the first of its kind in America. It broke out in New York, and was there raging in July. The diary entries of Mr. Adams, made evidently from day to day, are as follows: —

"17, v.<sup>1</sup> Tuesday. From Washington to Baltimore. Morning occupied in preparation for departure. At one o'clock P. M. a stage coach of the Line of Stockton and Stokes took us up, my son John and me, and proceeded to the lodgings of Mr. Edward Everett who had engaged the carriage for himself and his family and with whom I had agreed to go. . . . Mr. and Mrs. Everett, with their four infant children, Ann, Charlotte, Grace Webster and Edward with a nurse, joined us in the stage, and just at sunset we alighted at Barnum's Hotel at Baltimore. Isaac Munroe, Editor of the Baltimore Patriot, was standing at the door. He gave me a handbill just published with accounts from New York of yesterday morning, 163 new cases of the spasmodic cholera and 36 deaths in the 24 hours ending Sunday noon. 5 cases yesterday at Philadelphia — I had two or three visitors in the course of the evening, among them Mr. Jenifer of the House of Representatives — The Anti-Jackson meeting at Philadelphia yesterday is said to have been about 7000 in numbers.

"18, iv. 30. From Baltimore to Philadelphia. Wednesday.

"At six this morning we took the steamboat Independence Captain Jeffries, and at eleven landed at the Railway below Frenchtown. Twenty-five minutes in passing and conveying our baggage from the Boats to the Cars — one hour and thirty-five minutes in crossing to Newcastle — at one embarked in the steamboat William Penn, and at a quarter before four landed at Chestnut Street wharf, Philadelphia. We had as fellow passengers, besides Mr. Everett and his family, Mr. and Mrs. Tomlin-

<sup>1</sup> The Roman numeral, and figures preceding, in the diary of Mr. Adams indicate the time at which he got up. In July it was usually about sunrise.

son of Connecticut, Mr. and Mrs. Burgess of Rhode Island, Messrs. Cooper and Hughes of New Jersey, J. W. Taylor of New York, Slade of Vermont and Kavanagh of Maine. I had much conversation with Kavanagh,<sup>1</sup> who is a Roman Catholic. Mr. Everett and his family took lodgings at the United States Hotel. I came to Mr. Nicholas Biddle's — met him on the way — went with him to General Cadwallader's, where there was a dining-party. Count de Survilliers there. He embarks the day after tomorrow for Liverpool; and General Cadwallader is going in the same ship. He to return in October. Called as we were returning to Mr. Biddle's at Judge Hopkinson's where we saw Mrs. Hopkinson and Miss Mease.

" 19, iv, 45. Thursday. Reading W. G. Stone's Letters on Masonry and Anti-Masonry, and Mitchell's translation of Aristophanes. Went with Mrs. Biddle to the Bank. New York papers — Steam-boats go from Jersey City to Somerset on Taunton River. Call on E. Everett at U. S. Hotel — goes to-morrow — Call at I. Sargeant's — At Church — Day of Humiliation and Prayer. Heard Mr. Barnes — At Sargeant's afterwards — Returned to Mr. Biddle's — Letter to my wife — to S. Vaughan with A. Armstrong's Peruvian minerals for American Philosophical Society — Dined at Dr. Chapman's — Count de Survilliers there — He told me his objects in going to Europe to settle his private affairs — to visit his mother and family — and perhaps to be the regent of France if his nephew the Duke of Reichstadt<sup>2</sup> should be called to be king of France — He goes pour faire Acte de presence, to be ready, if the Holy Alliance and the people of France unite to call him to the head of affairs, to assume the Sovereign — His hopes are however less sanguine than they were — Called again in the evening on Mr. Everett. He still concludes to go to-morrow morning. I determined to stay till Saturday. Light thunder gust while we were at dinner. C. J. Ingersoll's political manifestos."

The same day he wrote to Mrs. Adams : —

" I seem to myself like one recovering from a trance or fainting fit into which I fell, on leaving Quincy last October, and as if in the interval I had been in the world of Spirits. I have been under some perplexity how to proceed, in order to reach home as soon as possible. The daily steamboats between New York and Providence have ceased running; after having been excluded from landing passengers at Newport, and doomed to Quarantine upon arrival at Providence. They

<sup>1</sup> Edward Kavanagh (1795-1844), of Damariscotta, member of Congress from 1831 to 1835. In politics a Jackson Democrat.

<sup>2</sup> The Duke of Reichstadt died at Schönbrunn, July 22, three days only after this entry was made. Reports of his failing condition and expected death had already reached Philadelphia. Bertin, Joseph Bonaparte en Amérique, p. 393.

now advertise to go occasionally from Jersey City, and to land passengers at Somerset, in Taunton river. I intend going to-morrow to Jersey City, and lodge there without crossing to New York. I expect the steamboat President will be going on Saturday, or if that shall fail, I may have an opportunity for New Haven, Hartford or New London. You will not expect me before Monday; nor be disappointed if it should even be a day or two later before I arrive.

"Mr. Webster left Washington three days before us. Mr., Mrs. and Miss Silsbee the morning of the adjournment of Congress. Mr. and Mrs. Burges, Mr. and Mrs. Tomlinson, and sundry other members of Congress, came on with us from Baltimore. Some have gone on — others will follow — none I believe after us.

"The Tariff Bill operates as a universal anodyne. All parties are claiming it exclusively as their own; each for itself — The National Republicans are blowing two horns with one breath, one to bemoan the ruined manufactures, and the other to sound the note of triumph for having carried the Bill themselves — They, and they only —

A Nation's taste depends on *you* —  
Perhaps a Nation's virtues too —  
— cock a doodle doo —

The Count de Survilliers embarks to-morrow for Liverpool — I am to dine with him this day at Dr. Chapman's. I met him yesterday at Gen. Cadwalader's, in the evening, having arrived too late to be of the dinner party. General Cadwalader<sup>1</sup> is going in the same ship with him, but not I trust otherwise in any connection with the objects of his voyage. The Count goes on a visit to his relations. He retains his estate in this country; and *may* return here at some future day. But should it so happen that the French nation should resolve to try the experiment whether the Buonaparte blood has more of the essence of royalty in it than that of the Bourbons, the Count fancies he may be wanted as a Mentor. His *pis aller* is to come back to Point Breeze.<sup>2</sup> He was at Washington about a fortnight since, and on leaving it, wrote me a Letter *tres-aimable*.

"We have seen Judge and Mrs. Hopkinson, Miss Mease and the Sargeant family — all well — The Roberdeaus left the City this morning. This day, by the appointment of the Clergy of most of the religious denominations of this City, is observed as a day of humiliation and prayer, on account of the Cholera."

<sup>1</sup> Thomas Cadwalader, of Philadelphia. He went to Europe at this time on business of the United States Bank. He returned to America before the close of the year.

<sup>2</sup> Point Breeze was the name given to Joseph Bonaparte's estate at Bordentown, near Philadelphia.

Certainly Mr. Adams had good cause to feel "light-hearted" now that "the pressure on body and mind" was removed. From December up to the last hour of that midsummer adjournment the political fight in the halls of Congress had waxed hotter and hotter. "Benton, who bore no mean part in the encounter, declares this session the most fiery and eventful one he had ever seen, or ever saw at all, except the panic session of the Congress which succeeded it."<sup>1</sup> By no means the least noticeable incident in it was the extraordinary *tour-de-force* accomplished by Mr. Adams, quite as much to his own surprise as to that of his colleagues. Entering at sixty-four years of age an arena wholly new, with a task assigned to him for doing which he had neither previous training nor natural aptitude, with a majority of the committee of which he was titular head opposed to him, with more than two-thirds of the delegation from his own State of Massachusetts voting the other way, antagonizing at the outset the all-powerful leader of his own side in Congress, he had not only framed and reported a tariff bill, such as it was, but he had carried it through Congress, the Senate had receded from its amendments, and the one considerable legislative result of the session had thus been accomplished.

The diary then proceeds, 20th, Friday:—

"My companions from Washington, all proceeded this day to New York. I was persuaded to wait till to-morrow. The Count Survilliers and General Cadwallader went down the river and embarked for Liverpool. I called at the Bank, but the directors were in Session. At Mr. Duponceau's but he was not at home. The heat was so intense that I strolled no further, but commenced a critique on the character and tragedy of Hamlet.—A small party dined at Mr. Biddle's. Mr. James Brown, Dr. Chapman, Mr. Daniel W. Coxe and Col. Watmough—Much talk on politics. Some upon electioneering. Prospects of National Republican desperate. Never so little political excitement. Attended in the evening a meeting of the American Philosophical Society. Mr. Duponceau presided. One paper read. One candidate for membership balloted for and admitted. Weather sultry. Shower. Mr. Biddle said the Directors of the Bank were much urged now to take an active part in electioneering; but would inflexibly decline—Well.

"21, iv. 30, Saturday. From Philadelphia to Hoboken.

'At 6 this morning we embarked. My son John for Baltimore; re-

<sup>1</sup> Schouler's United States under the Constitution, vol. iv. p. 44.

turning to Washington. I in the line for New York. Mr. Biddle accompanied me to the boat; and took leave of me at the second bell as did also Mr. John Vaughan. I was now left to pursue my way home alone. . . . Among my fellow-passengers was Col. Clinch of the Army, who spoke well of Lieut. Robert Buchanan.<sup>1</sup> In the stage from Trenton to New Brunswick my fellow-passengers were all men and total strangers. Dull time and no conversation. Steamboat Swan at New Brunswick. Met on board Mr. Phineas L. Tracy and his wife; she much alarmed at the cholera.

"The boat before going to New York landed us at the Hoboken ferry landing at 5 in the afternoon. We took lodgings at the hotel kept by Thomas Swift. Many fugitives there from New York. All the steam-boats for New England ports have suspended their trips. No stage going tomorrow. Mr. Swift sent to New York and engaged passages for us in the Constellation steamboat going up the river to Albany. I propose stopping at Fishkill Landing; and to go thence to Pokeepsie and across the county to Litchfield, Hartford and on to Boston and Quincy.

"22, v. Sunday. From Hoboken to Cedar Grove—Fishkill Landing. The report of yesterday at New York was 311 new cases, and 104 deaths by the cholera in 24 hours. At ten this morning with Mr. and Mrs. Tracy, I went in the ferry steamboat Fairy-Queen from Hoboken and met near the New York shore the steamboat Constellation going to Albany. We passed from one boat to the other. In the Constellation I found Matthew L. Davis, E. C. Cambreling and Mr. and Mrs. I. S. Barrett of Boston—Two or three passengers were landed at West Point, and at 4 in the afternoon I and some others landed at Newburgh. The Constellation immediately proceeded for Albany with the rest. I crossed immediately the river in the ferry-boat to Fishkill Landing. Mr. Daniel LeRoy, a son of Herman LeRoy, my old friend, crossed with me to the Landing. He had made himself known to me in the boat. His wife was with him exceedingly ill. A carriage was waiting for them at the landing, I came immediately to Cedar Grove. Mr. De Wint was at Church, but soon came home with the clergyman, Mr. Turner. Mrs. De Wint, my niece,<sup>2</sup> received me. I remain here till to-morrow. Mr. LeRoy told me that he had lost a servant by the cholera. Had a severe attack of the previous symptoms himself, and Mrs. LeRoy was ill with them now.

<sup>1</sup> A nephew of Mr. Adams; son of Mrs. Adams's sister. Afterwards Colonel of the First U. S. Infantry, and Brevet Major-General U. S. A.

<sup>2</sup> Daughter of Abigail Adams, who was the only daughter of John Adams living to womanhood. The younger Abigail Adams, born at Braintree, Massachusetts, July 14, 1765, married William Stephens Smith, June 12, 1786, and died at Quincy, August 14, 1813. She left two children, of whom Mrs. de Windt only had descendants. Colonel Smith, her husband, died June 10, 1816.

"23, v. Monday. From Cedar Grove to Pokeepsie.

"I rode this morning with Mrs. De Wint to the manufacturing establishments of Mr. Peter H. Schenck, which I had visited in October, 1818. They are now very much enlarged. There was then only a manufacture of coarse cotton cloths which is still continued, and the general parts of which we now visited; but there is now a large establishment for making all the machinery used in the cotton and woollen manufactures — such as wheels and spindles, and other machines of iron and steel. The works all moved by steam and water power. There is a school also connected with the establishment where we saw about 40 children from 5 to 12 years of age learning to read write and cipher. The woollen manufacture is about two miles further off and I did not see it. We returned and dined at Mr. De Wint's. Mrs. De Wint, her mother, and Mr. Turner the Unitarian minister were there. At five in the afternoon, Mr. De Wint took me in his Jersey-waggon and pair of horses 15 miles to Pokeepsie — Where we arrived at the dusk of evening about 8 p. m. His eldest daughter Caroline Elizabeth was with us. We took lodgings at Hatch's tavern — a very good house, and walked round the town which is beautiful.

"24, v. Tuesday. From Pokeepsie to Litchfield 53 miles.

"At six this morning I took the stage, of the line from Pokeepsie to Litchfield — The road running from — I took leave of Mr. De Wint, but his daughter had not risen. We left Pokeepsie with six

Pokeepsie to		)	men, three women, one of them with an
Pleasant Valley	7 miles	)	infant, in the stage. Breakfasted at
Washington	12	)	Washington, and dined at Sharon the
Amenia	24	)	first town in Connecticut. The stage
Sharon	24	)	house at Amenia was at the corner of
Cornwall	44	)	the State of New York. There was
Milton	50	)	but a liberty pole between it and Con-
Litchfield	54	)	nnecticut. At Sharon, where we dined,

in Salisbury. They were fleeing from the cholera at New York. We arrived at Litchfield about 6 in the evening after passing by the house of the ex-Governor, John Cotton Smith. I walked out to view the village; a beautiful avenue shaded with lofty trees extending about a mile. Met as I was walking a person who introduced himself to me as Dr. Catlin. He walked with me and named to me the dwellers in the houses as we passed along. After my return to the inn I was visited in the evening by sixty or seventy persons, inhabitants of the town, and among them by the young men of the Law School kept here, 14 in number, but Judge Gould their teacher was not with them.

"25. iii. 30. Wednesday. From Litchfield to Woodstock. 70 miles.

"At 4 of the morning<sup>1</sup> we departed from Litchfield for Hartford.

All my fellow passengers of yesterday save

From	)	one man had drop'd here and there on the
Litchfield to	)	way. Others, fewer in number, took their
Harwinton 8 miles	)	places ; among them a handsome young wo-
Burlington 14	)	man, with her husband. She was very sick
Farmington 22	)	on the way. We breakfasted at Burlington,
Hartford 31	)	and reached Morgan's United States Hotel
Manchester 38	)	in Hartford at $\frac{1}{2}$ past 11. Here my com-
Vernon 45	)	panions again dispersed, and I took passage
Tolland 49	)	in another line for Boston. It left the stage
Willington 56	)	office half past noon, and took up fifteen
Ashford 60	)	passengers including six children, five of
Woodstock 70	)	them with one woman ; also a blind old man,

and a notional Bostonian named Newell.

The heat was intense. The dust choaking and powdering. It was four o'clock when we reached Vernon where we dined. That is, Mr. Newell and myself. The woman with five children and another with one had left us. Just as we alighted at Vernon came on a thunder gust, and the rain in torrents fell, &c., for nearly three hours. Our stage was afterwards stalled, and drawn out of the mire by two pair of oxen — At Ashford, I was recognized by the old couple where I breakfasted on the 9th of December, 1830. We rode in the dusk till ten at night when we came to Woodstock, and took immediately to bed.

"26. iv. Thursday. From Woodstock to Quincy, 62 miles.

"It was nearly half past 4 when Mr.

From Woodstock to	)	Newell and myself the only remains
South Oxford, Mass. 6 miles	)	of the overflowing stage company
Sutton 12	)	from Hartford entered the carriage
Northbridge 14	)	this morning. We breakfasted at Sut-
Upton 21	)	ton, at the house where I supped on
Hopkinton 26	)	the 8th of December, 1830. At
Framingham 33	)	Webster a town newly set off from
Needham 41	)	Northbridge we took in a Boston mer-
Newtown 45	)	chant named Tiffany. Two other
Brighton 48	)	passengers, one a young Englishman,
Boston 53	)	in the middle of the road ; and at
Quincy 62	)	Hopkinton my old Classmate Dr.

T. M. Harris<sup>2</sup> who was leaving his

two daughters there for the use of the springs. At half past three we entered Boston over the Western avenue, just in time for me to take

<sup>1</sup> At this date the sun rises at 4.29.

<sup>2</sup> Rev. Thaddeus Mason Harris, elected a member of this Society August 13, 1792 ; died April 3, 1842. A memoir of Dr. Harris by the Rev. N. L. Frothingham is in 4 Collections, vol. ii. pp. 130-155.

the Quincy stage at 4. I landed at my own house at Quincy just at 6 p. m. and found my family all well. My journey from Washington has been altogether pleasing, and although much lengthened by the dreadful pestilence raging at New York, has been marked with no disastrous incident. After getting home I dined and visited my plantation of young trees in the garden."

This divergence, I am aware, can only be justified on the ground of its being a recurrence to original material, such as it is. And now, coming back to the Stevenson letter, our associate Mr. Stanwood, than whom certainly no one ranks higher as an authority on all questions connected with American tariff controversies, has very kindly furnished me with the following in relation to both Mr. Adams's report of 1832, as chairman of the Committee on Manufactures, and to the Stevenson letter which was a direct outgrowth of that report. After briefly reciting the events connected with the tariff controversy leading up to the report, Mr. Stanwood writes as follows:—

"The bill was submitted to the House, May 23, 1832, accompanied by a long report by Mr. Adams, of which he said:—'With respect to the report itself, which the Committee had indulged him (Mr. A.) with permission to present, it was to be considered an expression of his views alone. Different members,' he added, 'approved different parts of the report, but there was perhaps no member of the Committee who approved the whole of it except the reporter himself.'<sup>1</sup>

"This report was made in the House on the same day that the veto of the Bank re-charter by President Jackson, was received.

"The report is a remarkable document. It contains an elaborate defence of the constitutionality of a protective tariff, and an argument hardly less elaborate against one of the chief contentions of protectionists, namely, that the ultimate effect of a protective duty is, by stimulating competition, to lower the price of the protected article. Consequently it could not, in its entirety, be acceptable either to protectionists or to free traders. Moreover it was particularly offensive to Southern men by reason of the following passage. Referring to the threats of dissolution of the Union, he asked what must be the necessary and unavoidable consequence of a dissolution of the tie between North and South. It would be war; and in that case the committee would suggest 'to those who deny the power of this confederated government to protect by the energy and resources of the whole nation a great and comprehensive but not universal interest, that there is an interest most

<sup>1</sup> "Gale's and Seaton's Register of Debates," 1832, p. 3091. The report is printed in the appendix of the volume.

deeply their own, protected by the Constitution and laws of the United States, and effectively protected by them alone. Among the consequences from which a statesman of either portion of this Union cannot avert his eyes in contemplating that which must ensue from its severance, is the condition in which that great interest would be found immediately after the separation should have been consummated.<sup>1</sup>

"The strict constructionists affected to find in Mr. Adams's report an argument to the effect that the words 'to provide for the common defence and general welfare' conferred upon Congress a substantive and indefinite power. To refute him they published in the columns of the Richmond Enquirer a letter written by Mr. Madison in 1830, to Mr. Speaker Stevenson, in which he combated the idea. In the following letter Mr. Adams questions what was the subject Mr. Madison was discussing in this letter, and suggests that it was the power to charter a bank. As a matter of fact it was the power to make 'internal improvements,' then almost as abhorrent to the politicians of the South as a protective tariff. Mr. Madison held that a protective tariff was constitutional, but derived the right from the grant of power 'to regulate commerce,' as did Mr. Clay. He was opposed to internal improvements and found in the Constitution no warrant for the exercise of a power to make them.

"The letter itself may be cited as a conspicuous instance of turning the logical guns of the enemy upon themselves. Mr. Adams disclaims in the most positive terms the opinion that the words in the Constitution 'to provide for the common defence and general welfare' are a grant to Congress of any substantive power; but he holds that they do specify purposes for which the power of taxation, to which the phrase is attached, may be exercised. He then turns upon those who accuse him of holding that the phrase does constitute a grant of power, with the searching question where in any other phrase in the Constitution they found the power to annex Louisiana and to govern it without the consent of the inhabitants. Incidentally he convicts his critics of discrediting their own witness, because, while calling in the authority of Mr. Madison to demolish the theory which they wrongly attributed to him, Mr. Adams, they rejected the actual opinion of Mr. Madison on the constitutionality of a protective tariff, which was the real question at issue."

HALL OF THE HOUSE OF REPRESENTATIVES U. S.  
WASHINGTON, 11th July, 1832.

To ANDREW STEVENSON Speaker of the House of Representatives of the United States.

SIR: In the ordeal of burning ploughshares between which it is the destiny of every public man in this country to wind his way, it

<sup>1</sup> See on this point a striking reference in Stanwood's American Tariff Controversies, vol. i. pp. 376, 377.

has often been my fortune to be unjustly charged with holding latitudinarian doctrines upon questions relating to the extent of the powers of Congress under the Constitution of the United States. These charges have been repeated since the report which I was permitted by the Committee of Manufactures to make in their name to the House of Representatives. They were repeated (by a gentleman from Virginia, who was himself a member of the Committee of Manufactures) *at the moment when the report was presented to the House.* They have been since, in substance, repeated on the floor of the House by the Chairman of the Committee of Ways and Means,<sup>1</sup> by another member of Virginia, and a member from Alabama — all in eloquent and well-considered speeches. The gentleman from Virginia (Judge Bouldin) argued against it, and cited the authority of Mr. Madison as adverse to it. The gentleman from Alabama (Mr. Lewis) cited also the authority of Mr. Madison, as conflicting with my opinions, on which he commented with some severity and much ability.

The array of names and of numbers on the floor against my opinions was sufficiently appalling, had there not been an appeal to the authority of Mr. Madison to sustain the adverse political creed. Nor has that name been thus resorted to in the House alone. I have seen in the public prints a letter from that eminent citizen to yourself, published, as it is intimated, by way of antidote to the supposed bane of the latitudinarian principles of my report.

It was my intention, before the final passage of the Tariff Bill, and in the event of its passage, often painfully doubtful in my anticipation, to address the House at some length upon the principles by which I had been governed in the performance of the duties which you had assigned to me, by placing me at the head of the Committee of Manufactures, and in explanation of the part which I have taken in the preparation and modifications of the bill, as well as in its progress through the two Houses of Congress. From this purpose I was first deterred by my unwillingness to trespass upon the patience of the House, by the infliction upon them of a long speech at the close of a tedious debate, and ultimately, by the application of the previous question, immediately after the second eloquent invective of the Chairman of the Committee of Ways and Means.

That<sup>2</sup> I persevered in the purpose of thus addressing the House, all the topics of debate upon which that member, as well as the members from Virginia and from Alabama, had largely expatiated in their speeches, would naturally have been reviewed and found subjects of respectful animadversion. The principles which I had believed fundamental to the inception and consummation of the great *compromise*, which it was obviously the object of all sober-minded men to accomplish

<sup>1</sup> Mr. McDuffie, of South Carolina. <sup>2</sup> Undoubtedly a misprint for "Had."

in the adjustment of the Tariff — the plans for the reduction of the revenue, proposed by the Committee of Ways and Means, and by the Committee of Manufactures of the Senate — the rights of the agriculture and manufactures of the North and West and Centre, to *protection* — the wrongs and sufferings of the South, and particularly the distresses and depressions of the State of Alabama — the novel and marvellous maxim of political economy, that *export* pays the duty on *import* — the relative portions of the burden of existing taxation actually borne by the Southern section of the Union and by the Northern section — and the relative degrees of protection enjoyed respectively by them, must, necessarily, have passed in review.

Some of these topics are irritating, and altogether uncongenial to my nature. Others, and indeed most of them, had no bearing upon the bill under consideration of the House. I was rejoiced to be relieved from the necessity of discussing them. There is now every prospect that the Tariff Bill will pass, and it remains only for those who have contributed to its enactment, to await, with anxious hopes, its operation upon the several great interests affected by it, and its acceptance in the minds of the People.

It is not, however, to the Tariff Bill, or to any of its provisions, that I would now invite your attention and that of the Public. It is to a principle of Constitutional Law asserted in the Report of the Committee of Manufactures which accompanied the introduction of the Bill to the House. The principle asserted is, that the power of Congress to protect the manufactures and domestic industry of the country, by taxation, is contained in the article of the Constitution which authorizes Congress to lay taxes, duties, imposts, and excises, to pay the debts and to *provide for the common defence and general welfare* of the Union. This is the position which has been most earnestly controverted upon the floor of the House, and in opposition to which the authority of Mr. Madison has been so frequently and so confidently invoked.

If there is one living man to whom this country is indebted for greater and more eminent services than to any other, it is James Madison. If there be one living man to whom I am under greater, and more impressive personal obligations than to any other, it is the same individual. It is impossible for me to hear his name mentioned but with sentiments of reverence and affection. His confidence has been among the most precious consolations of my life. The opinions of Mr. Madison are to me, therefore, among the highest of human authorities. But will the gentlemen themselves, who appeal to his authority for refutation of my opinions with regard to the constitutional power of Congress to levy taxes, duties, imposts, and excises, for the protection of domestic industry, will they subscribe to the opinion of

Mr. Madison himself in affirmance of the very same power? Will the gentleman from Virginia, will the gentleman from Alabama, will you yourself call on the name of James Madison for Authority, to resist the conclusion drawn by me, that the power of Congress to protect domestic industry by taxation upon foreign industry in competition with it, follows by necessary implication from the power of taxation expressly granted to provide for the common defence and general welfare; and when Mr. Madison himself insists that the protecting power is granted in the same identical authority to tax, coupled with that of regulating commerce, will you abjure and renounce the very oracle to which you have just resorted for truth? You have doubtless all read the two letters of 18th September and 30th October, 1826, to Mr. Cabell; and is it possible that after reading them and meditating upon their contents, there should remain a scintilla of doubt upon your minds with regard to the lawfulness of the power? There is certainly none upon mine. If you appeal to Mr. Madison as authority, you must submit to his authority. You cannot, at the same moment and before the same tribunal, demand judgment in your favor, and take a plea to the jurisdiction in one and the same cause. The *authority* of Mr. Madison upon this question is against you; clearly and unequivocally against you. Not merely the authority of his name, but authority illustrated by lucid argument — by impregnable demonstration. With regard to the letter to you, which has been blazoned forth to the public, as a refutation of the position taken in the recent Tariff Report presented by me to this House, I must say that I cannot find a single point upon which the doctrines of the two papers come in collision with each other. The position against which the argument of Mr. Madison's letter contends is, that the words *common defence and general welfare* contain a substantive and indefinite grant of power. That opinion has been, it seems, entertained by some persons, and you thought it expedient to obtain in conversation, and afterwards in writing, the opinions of Mr. Madison adverse to it. Now, I for one disclaim, utterly disclaim, ever having advanced or entertained any such opinion. The words, far from containing a substantive and indefinite grant of power, contain no grant of power at all. The grant of power is in the preceding words, to levy taxes, duties, imposts — and excises. The power granted is of taxation, ample in extent, and varied in all its forms, with an exception afterwards of taxes upon exports — the common defence and general welfare are the *purposes* for which Congress are required to *provide*, in the exercise of the granted power of taxation; so is the payment of the debt. That is no grant of power. It is one of the *purposes* for which the power of taxation is granted — to provide for the common defence and general welfare, is another. The general tenor of the argument in Mr. Madison's letter is, to be sure, that the

words common defence and general welfare are "harmless words,"<sup>1</sup> but in no one passage does the writer affirm that they are words without meaning. He gives a highly interesting chronological statement of their introduction, and of the alternate adoption and exclusion of them, at the several stages of progress in the formation of the Constitution; and he traces them very satisfactorily to the Articles of Confederation. But no analogy between the two instruments can possibly lead to the conclusion that the words were equally inoperative in both. In the Confederation, the power of taxation was not granted with them—it was withheld; and in consequence of that very privation, Congress had not the power either to pay the debts, or to provide for the common defence and general welfare.

In the Articles of Confederation, the words were co-extensive with the powers of Congress to authorize the expenditure of money. They are in the 8th article of that compact, and read thus: "All charges of war, and all other expenses that shall be incurred for the *common defence or general welfare*, and allowed by the United States in Congress assembled, shall be defrayed out of a common Treasury, which shall be supplied by the several States," &c. This was no grant of power, but it recognizes the power of the United States in Congress assembled, to *allow* all charges of war, and all other expenses that should be *incurred* for the common defence or general welfare. It did not define by whom, or by whose authority the expenses should be incurred, but it admitted a discretionary power in Congress to allow them; and thus far made Congress the exclusive judges of the allowance of all expenditures incurred for the common defence or general welfare. Whether the words were harmless or not, depended upon the discretion and patriotism with which the Congress should exercise their power of allowing the expenses incurred. To incur, and allow expenditures, they were words of no trivial import—but the power of raising the money, reserved to the Legislatures of the States, rendered all the rest abortive. The power of Congress to call upon the State Legislatures for supplies was like that of Glendower to call spirits from the vasty deep. The obligation of the State Legislatures to furnish the supplies was perfect upon paper. It was a dead letter in fact. If the words common defence or general welfare were harmless, it was because they were useless. They were important alike for good or evil; not assuredly for want of high and significant import in themselves, but because that import was annulled by the denial of the power of raising funds to defray the expenses incurred. Yet as harmless as the words in the Articles of Confederation might be, it is to be

<sup>1</sup> The phrase "harmless words" is Mr. Madison's. It is much discussed by Story on the Constitution in the consideration of the constitutionality of the tariff.

inferred from much of the argument in Mr. Madison's letter, that they were often used or abused as conferring upon the Confederation Congress a substantive and indefinite power. He cautions you very earnestly against taking the *practice* of that body for the expositor of the Articles of that Confederation, and with great justice. The exercise of undefined, and, it might be added, of unlicensed authority was habitual with them, precisely because every power and authority granted to them was so encumbered, and trammelled, and shackled with exceptions, and negations, and reservations, that it could scarcely ever be exercised to useful purpose without overleaping some constitutional obstacle.

A man who should order a coachmaker to construct for him a carriage with three wheels, and interdict the fourth, for fear that it might be driven over, and crush to death casual passengers in the street who might cross its way, would give an accurate representation of this Union, under the articles of confederation. The body of the coach was well made—the frame of the carriage, whippetrees, axle-trees, pole, and three wheels, all made with the best materials, and by the most skilful workmen; but the fourth wheel was wanting, for fear of running over passengers in the streets. I admit, therefore, that the *practice* of the Confederation Congress is not to be adopted as the best expositor of its lawful powers. Still less is their *exercise* of authority to allow expenses incurred for the common defence or general welfare to be construed as indicating that they held these words to be without meaning. But there are two things which give to the same words in the Constitution of the United States a significance far otherwise energetic than that which they possessed in the articles of confederation. The first is their annexation to the expressly granted power to lay and collect taxes, duties, imposts, and excises; and the second, is the introduction in the same connection of those most emphatic words *to provide for*. In the articles of confederation, the bearing of the words common defence or general welfare is *retrospective*, having reference to the allowance of charges and expenses *incurred*. In the Constitution, they are *prospective*, coupled first with the command of the purse—the power to levy taxes, duties, imposts, and excises, and secondly, with a great and solemn *duty* to be performed—to *provide* for the common defence and general welfare. It is the *DUTY* of Congress to provide for the common defence and general welfare, a duty equally imperative with that of paying the debts of the Union; and is it competent for Congress to discharge themselves from this great and paramount duty to the People, by the mere allegation that these are all harmless words, partly adopted from the Articles of Confederation, without meaning there, and to be construed as without meaning in their new and transferred condition?

I have distinctly said that I do not hold the words common defence and general welfare in the Constitution, to contain a grant of substantive and indefinite power, or indeed of any power at all—but as expositions of the purposes for which Congress are expressly enjoined to PROVIDE, and for enabling them to provide for which they are armed with the power of taxation in almost all its forms; and so understanding them, I believe it would be very imperfectly descriptive of their character, to denominate them harmless words, and a very inadequate estimate of their import to consider them as merely auxiliary to their *enumerated* powers.

Yet, I disclaim again, explicitly and utterly disclaim, the imputation of considering those words as containing, either in themselves, or in their connection with the right to tax expressly granted, and with the duty to provide for, expressly enjoined, a grant of unlimited power.

It does not appear from the letter of Mr. Madison, what was the special controverted object of legislation, with reference to which you had resorted to this opinion for the solution of your doubts. His recurrence to the charter, granted by the Confederation Congress to the Bank of North America, and to the argument of Mr. Wilson to educe the authority to grant the charter from the nature of the Union, seems to indicate that your enquiries were specially directed to the power of chartering the Bank of the United States. I never considered the power of chartering the Bank, as contained in this paragraph. For, even if a Bank should be indispensably necessary for the common defence and general welfare, as I believe it to be, still the power here granted is merely a power of taxation, and to grant a charter of incorporation is not to lay taxes, duties, imposts, or excises.

Before the acquisition of Louisiana, and its annexation to the Union, I did consider this taxing power, injunction and exposition of purposes, as sufficient, together with the treaty-making power, *for the acquisition of the Territory by purchase*, but not for exercising the powers of Government over the inhabitants, nor for annexing them to the Union.

At the session of Congress specially called by President Jefferson, upon the occasion of the conclusion of that negotiation, and which commenced on the 17th of October, 1803, I first took my seat as a member of the Senate of the United States. An accidental detention on my way to the Seat of Government, by illness in my family, prevented me from taking my seat until the 21st of that month: the advice and consent of the Senate to the ratification of the treaties had been given the day before. Had I been present I should have voted in favor of the ratification: I had no doubt of the power to conclude the treaty. I did vote and speak in favor of the bill making appropriations for carrying the treaties into execution. It was entitled an "Act authorizing the creation of a stock to the amount of eleven millions two

hundred and fifty thousand dollars, for the purpose of carrying into effect the Convention of the 30th of April, 1803, between the United States of America and the French Republic, and making provision for the payment of the same." But I voted against the bill "to enable the President of the United States to take possession of the Territories ceded by France to the United States by the treaty concluded at Paris on the 30th of April last, and for the temporary government thereof." (See Bioren's U. S. Laws, vol. 3, p. 562, both these Acts.) My speech on the bill authorizing the creation of the stock may be found in the fourth volume of Elliott's Debates and illustrations of the Federal Constitution, p. 256, and it points out the distinction upon which I voted for one of these bills and against the others. I had no doubt of the constitutional power of the President, with the advice and consent of the Senate, to make the treaty and to acquire the territory; nor the power of Congress to borrow and appropriate money for the payment of the purchase — to take possession of the territory — to dispose of it, and to make all needful rules and regulations respecting it. But the second section of the act enabling the President to take possession, was in the following words: "*And be it further enacted*, That until the expiration of the present session of Congress, unless provision for the temporary government of the said Territories be sooner made by Congress, all the military, civil, and judicial power, exercised by the officers of the existing government of the same, shall *be vested in such person, and persons, and shall be exercised in such manner, as the President U. S. shall direct*, for maintaining and protecting the inhabitants of Louisiana, in the free enjoyment of their liberty, property, and religion."

By this section, the absolute power of a king of Spain over the People of Louisiana was vested in the President of the United States. I believed that the Constitution had not authorized Congress to confer upon the President such powers, and voted against the bill as unconstitutional. Mr. Jefferson signed the bill as President of the United States, and assumed and exercised the powers vested in him by it.

At the same session of Congress, an act was passed (24th Feb. 1804, Bioren's U. S. Laws, p. 369,) for laying and collecting duties on imports and tonnage within the ceded Territories. An act erecting Louisiana into two Territories, and providing for the temporary government thereof (U. S. Laws, Vol. III. p. 603, March, 1804) and several others, exercising all the powers of taxing and legislation, over the People of Louisiana, and conferring upon them the rights and privileges of native citizens of the United States. Against all these acts I voted, as may be seen by the record of yeas and nays in the Journals of the Senate. I was under a sincere and conscientious conviction that the Constitution of the United States had conferred upon Congress no authority to enact those laws.

Mr. Jefferson however, sworn as he was to support the Constitution of the United States, and to take care that the laws should be faithfully executed, did, as President of the United States, sign all those acts, and did assume and exercise all the powers conferred on him by them.

In the debate in the House of Representatives upon the constitutional power of Congress to consummate the acquisition of Louisiana, Mr. Rodney expressly cited this identical article; the power to lay taxes, duties, imposts, and excises, to pay the debts, and *provide for the common defence and general welfare*, as containing the necessary grant of power. I did not subscribe to the doctrine. I believed an amendment to the Constitution indispensably necessary to legalize the transaction; and I further believed the free and formal suffrages of the People of Louisiana themselves were as necessary for their annexation to the Union as those of the People of the United States. I made a draft of an article of amendment to the Constitution, authorizing Congress to annex to the Union the inhabitants of any purchased territory; and of a joint resolution, directing that the people of Louisiana might meet in primary assemblies, and vote upon the question of their own union with the United States. Of both these experiments, had Mr. Jefferson had the courage to make them, the result was as certain as the diurnal movement of the sun. But Mr. Jefferson did not dare to make them. He found Congress mounted to the pitch of passing those acts, without inquiring where they acquired their authority; and he conquered his own scruples as they had done with theirs.

I was aware that by a very liberal construction of this extensive power of taxation to provide for the common defence and general welfare, together with what was called the sweeping clause—the last paragraph of the section—the power to make all laws necessary and proper for carrying into execution all the other powers vested by the Constitution in the Government of the U. States: the whole transaction of purchasing and annexing Louisiana to the Union, might be fairly brought within the pale of the constitutional powers of Congress. The peaceable purchase of Louisiana for a sum of money, was, under the circumstances of the time, a strict and judicious performance of the duty to *provide for the common defence and general welfare*. A province bordering upon our own territories, covering a surface equal in dimensions to the whole domain of the Union, interlocked with our own soil, by more than one of the mightiest floods that traverse the Western Hemisphere, and capable of bearing and breeding a population to be numbered by hundreds of millions, had passed from the imbecile caducity of Spain into the hands of the Conqueror of the age, in the swelling tide of his fortune. He had destined his new possessions to be the seat of a *military colony*, and at the very moment when

he transferred his acquisition to the happier destinies of association with the North American confederacy, he had twenty thousand of his veteran warriors embarked at a European port, under the command of another soldier of fortune, then his lieutenant, since more permanently aggregated than himself with the circle of sceptred kings, and waiting but for a wind to waft them to the mouths of the Mississippi. To tax the people of the United States to the amount of fifteen millions of dollars, had it been for the single purpose of buying off the prospects and perils of such a neighbourhood, would certainly have been a very wise and fortunate measure to provide for the common defence and general welfare; but the legitimacy of *this* exercise of power should carry with it, as incidental consequences, the power of investing the President of the United States with all the despotic authority of a King of Spain; that it should imply the power of absolute legislation over a foreign nation; of holding in subjection a foreign people, taxing them without their consent, and fettering them into freedom, appeared to be inferences so transcendent, so inconsistent with the whole character of our institutions, so certainly unforeseen and uncontemplated by the Convention which had prepared the Constitution, and by the people who had adopted it, that I could not bring my mind to the conclusion that this clause of the Constitution could be susceptible of such latitude of construction. I opposed pertinaciously, by speech and by vote, the passage of all those acts. The debates of the Senate were not then regularly reported, and of my opposition, which was earnest and incessant, even to importunity, no record now remains excepting upon the journals of the Senate.

It will be found that on the 25th of November, 1803, I moved for the appointment of a committee, "to enquire whether any, and if any, what further measures might be necessary for carrying into effect the treaty between the United States and the French republic, concluded at Paris on the 30th of April, 1803, whereby Louisiana was ceded to the United States," with leave to the committee "to report by bill or otherwise." This motion was laid on the table for consideration till the 9th of December, when it was rejected.

When the motion was under consideration, I stated to the Senate my motive for making it; my full conviction that an amendment to the Constitution was indispensable for the annexation of Louisiana to the Union; and for the admission of its inhabitants to the rights and privileges of citizens of the United States. That the consent of the people of Louisiana was equally necessary; and I read the drafts which I had prepared, of an amendment to the Constitution, and of a resolution for taking the free vote of the people of Louisiana, which I proposed submitting to the committee, if the Senate would indulge me by appointing one.

No attempt was made to answer my reasoning, but my motion was rejected. Before offering the resolution, I had twice called upon Mr. Madison, then Secretary of State; had expressed to him my own opinions upon the constitutional points, and the wish that measures to the effect of removing the difficulties should be introduced into Congress, by some leading friend and supporter of the administration. At our first interview, I left him under a doubt whether this course of proceeding would be taken by the administration or not; and I told him I should not move in the matter, if any friend of the administration would undertake it.

At the second meeting, he informed me that no such measure would be proposed on the part of the administration, and it was in consequence of this information that I made the motion in the Senate for the appointment of the committee. The administration and its friends in Congress had determined to assume and exercise all the powers of government in Louisiana and all the powers of annexing it to the Union, without asking questions about their authority.

On the 10th of January, 1804, I offered to the Senate the following resolutions:

“1. Resolved, That the People of the United States have never in any manner delegated to this Senate the power of giving its Legislative concurrence to any act for imposing taxes upon the inhabitants of Louisiana, without their consent.

“2. Resolved, That by concurring in any act of Legislation for imposing taxes upon the inhabitants of Louisiana without their consent, the Senate would assume a power unwarranted by the Constitution and dangerous to the Liberties of the People of the United States.

“3. Resolved, That the power of originating bills for raising revenue, being exclusively vested in the House of Representatives, these Resolutions be carried to them by the Secretary of the Senate: that whenever they think proper, they may adopt such measures as to their wisdom may appear necessary and expedient for raising and collecting a revenue from Louisiana.”

At the time when I offered these Resolutions, the act “for laying and collecting duties on imports and tonnage within the territories ceded to the United States by the Treaty of the 30th of April, 1803, between the United States and the French Republic and for other purposes,” (Bioren, U. S. Laws, vol. 3, p. 569,) was in discussion before the Senate, I strenuously opposed and voted against that act, in all its stages, on the sole ground that it transcended the constitutional powers of Congress. But as the mere record of votes by yeas and nays could not show the principle upon which my votes were given, I offered these Resolutions well knowing that they would not be adopted, but for the purpose of putting upon record my solemn protest against the assumption and exercise by Congress of such unconstitutional powers.

A letter from Mr. Jefferson to Dr. Sibley has been recently published, written in June, 1803, after he had received the Louisiana Treaties, in which he clearly and unequivocally expresses the opinion that an amendment to the Constitution would be necessary to carry them into full execution. Yet, without any such amendment to the Constitution, Mr. Jefferson did, as President of the United States, sign all those acts for the government and taxation of the People of Louisiana, and did exercise all the powers vested in him by them.

Now, sir, as the letter from Mr. Madison to you, upon which I am commenting, has been avowedly published as a refutation of the opinions contained in the Report of the Committee on Manufactures, upon the bearing of the duty enjoined upon Congress in the constitution, by means of taxation, to provide for the common defence and general welfare, as authority for the protection of domestic industry; and as in the newspaper which I have before me, that Letter is introduced with a declaration by its publisher, that "it completely overthrows the heresy which Mr. Adams has advocated in this Report," I now call upon you, in the face of the nation, to state, by virtue of what *enumerated* power in the Constitution of the United States, Mr. Jefferson did, as President of the United States, sign, and then, as the chief Executive Magistrate of the Union, carry into effect, the acts of Congress, of which I here subjoin the titles, and the dates upon which they received his sanction.

1. An Act to enable the President of the United States to take possession of the territories ceded by France to the United States, by the Treaty concluded at Paris on the 30th of April last, and for the temporary government thereof, 31st October, 1803.

2. An Act for laying and collecting duties on imports and tonnage within the territories ceded by the United States by the treaty of the 30th of April, 1803, between the United States and the French Republic, and for other purposes, 24th February, 1804.

3. An Act relating to the recording, registering, and enrolling of ships or vessels in the District of Orleans, 25th February, 1804.

4. An Act providing for the expenses of the civil government of Louisiana, 19th March, 1804.

5. An Act erecting Louisiana into two territories, and providing for the temporary government thereof, 26th March, 1804.

If you can discover in the Constitution of the United States the shadow of an enumerated power, other than these "*harmless words*," and this repudiated sweeping clause, delegating to the Congress of the United States the power to enact those laws, and to the President of the United States the power to sanction and then to execute them, you will confer upon me a high obligation by pointing it out.

By what process the mind of Mr. Jefferson was operated upon, between the month of June, when he declared, in his letter to Dr. Sibley

his opinion that an amendment to the Constitution was necessary to consummate the acquisition of Louisiana, and the 31st of October, when he signed the first of these acts, has never been made known to the world. That he wilfully and deliberately violated the Constitution of the United States, and his official oath to *preserve, protect, and defend* it, I never have felt myself justified in believing, nor am I willing to believe it now. To that supposition there is this alternative; and if there is another, I solemnly demand of you, and of every other surviving friend of Mr. Jefferson and of his reputation with posterity, to set it forth.

The alternative is, that Mr. Jefferson did, *pro hac vice*, adopt the principle of liberal construction to the grant of powers in the Constitution. That he concurred in the exercise of the power of taxation upon the people to the amount of fifteen millions of dollars, to provide (by the purchase of Louisiana) for the common defence and general welfare of the Union, and that, after having completed the purchase, he was warranted in giving his sanction to all laws necessary and proper to carry the whole transaction into execution, however identified such laws might be with the principles of an absolute monarchy, and however irreconcileable with the fundamental principles of our republican institutions.

I have stated that upon the passage of this first act, and for taking possession of Louisiana, and for the *temporary government* thereof, through the House of Representatives, this very paragraph of the Constitution was cited by Mr. Rodney, of Delaware, a distinguished lawyer and statesman, and then an ardent friend and supporter of Mr. Jefferson's administration, as containing the grant of power by which Congress was authorized to make the acquisition of Louisiana. I have said that by giving this construction, an easy and natural, but very liberal construction, to that paragraph, and calling to its aid the sweeping clause, the purchase of Louisiana, and all the laws of Congress enacted for carrying it into full execution, were strictly constitutional. And I will now add, that from and after the close of the first session of the eighth Congress — that is, from the 27th of March, 1804, I have so considered, and do so consider them. It was not the construction which from the conclusions of my own judgment I had given to that paragraph. I had, through a long and interesting session of Congress, resisted and opposed the application of that construction to measures which in all other respects had my hearty approbation. That construction was, however, practically given, by large majorities of both Houses of Congress, and by Mr. Jefferson, as President of the United States, in the enactment and execution of the five statutes of which I have given you the titles and the dates. That construction was acquiesced in by the People of the United States and by the People of Louisiana, and

thereby, controlling my own judgment, became to me thenceforth a part of the fundamental constitutional law of the land. And hence in the years 1819 and 1821 I contributed, in the official station which I then held, without scruple or hesitation, to the conclusion of the Florida Treaty, and to the enactment of laws precisely similar, with reference to that province and to its inhabitants, which I had resisted and opposed with regard to the province of Louisiana and its people in 1804.

But the construction of the Constitution having been practically and definitely settled with regard to transactions of such import as the acquisition, government, and annexation to this Union, of a territory, equal to that of the whole confederated republic before, I was left no longer at liberty to apply a narrow and contracted analysis of language to those "harmless words," which had conferred upon a President of the United States the despotic powers of a King of Arragon and Castile. I never did draw the inference—and I ask, in this respect, not to be misunderstood—I never did draw the inference from this succession of facts, and settlement of principles, that these words conveyed to Congress a substantive and "indefinite power"; but I did draw the inference, that, as declaratory of the purposes for which the power of taxation was granted, and as subsidiary to the duty enjoined upon Congress to provide for the common defence and general welfare, they were words efficacious in themselves, and needing no further specification of enumerated power to give them life and signification. The substantive and definite power granted is, the power to levy taxes, duties, imposts, and excises. The duty enjoined upon Congress, for the performance and fulfilment of which, they are authorized to exercise this power, is to provide for the common defence and general welfare. Far from being a grant of indefinite power, these are themselves defining words; they *limit* the exercise of the powers of taxation, in this respect, to the object of providing for the common defence and general welfare; but they extend the lawful exercise of the power to all objects fairly and reasonably coming under the denominations adapted to *the common defence and general welfare*. Now, the acquisition of Louisiana by purchase, and the enactment of all laws necessary and proper for carrying that measure into execution by fair and sound reasoning, without violence to language or abuse of terms, might be included in the obligation of Congress to provide for the common defence and general welfare. And I aver, for the purpose of meeting and refuting your contradiction, if you shall think proper to contradict the assertion—I aver, that there is in the Constitution of the United States, no other enumerated power granted to Congress which could authorize them to enact the five statutes of which I have given above the titles, and which were enacted at the first session of the eighth Congress, 1803-1804.

If, then, the eighth Congress, with the sanction of Mr. Jefferson, as President of the United States, did practically give an exposition to these words so comprehensive as to embrace within the pale of the Constitution all the acts of Congress by which the acquisition of Louisiana and its annexation to the Union were consummated, the same principle is of right applicable to the exposition of the same words in all parallel cases, and no one can deny that the protection of domestic industry against foreign competition, and against the hostile spirit of rival commercial legislation, is as faithful a performance of the obligation to provide for the common defence and general welfare, as was the purchase of Louisiana.

Such, sir, is the foundation of the reasoning upon which, in the report of the Committee of Manufactures of the House of Representatives upon the Tariff, it is affirmed that the power of Congress to protect the domestic industry of the country, by taxation upon the competition with it of foreign industry, is granted by the power of taxing to *provide* for the common defence and general welfare. I add, that it is much more clearly included in this grant of power than the purchase of Louisiana and its consequent series of legislation was so included. How strictly this power of protecting the native interest by countervailing legislation, is included in the requisition of Congress to provide for the common defence and general welfare, is signally illustrated by the following paragraph of the speech of Mr. Huskisson to the British House of Commons, delivered on the 12th of May, 1826, upon the state of the navigation of the United Kingdom. Speaking of the British Navigation Laws, he says, "I am bound to say, that those regulations are founded on the first and paramount law of every State, the highest ground of political necessity, **OF PROVIDING FOR OUR OWN SAFETY AND DEFENCE.**" Here, sir, the very words of our Constitution employed as a direction to Congress for the exercise of the granted power of taxing, are used by Mr. Huskisson, as constituting the foundation of the whole system of the Navigation Laws of Great Britain, and the coincidence of the language used in the two cases is the more emphatically demonstrative of the power of Congress implied in the injunction, as it is very certain Mr. Huskisson used the words without reference to the Constitution of the United States, of which there is in the same speech abundant evidence that he was wholly ignorant.

If, then, there is any essential discordance between the principles of constitutional law asserted in the report of the Committee of Manufactures, with reference to the words common defence and general welfare, and the doctrines maintained in the letter from Mr. Madison to you, it is not because the report asserts or implies that these words "convey to Congress a substantive and indefinite power." The report contains no such assertion, — no such implication.

Nor, if the argument in Mr. Madison's letter is to prove that these words are not competent to authorize Congress to charter a bank, can there be found in the report, any heresy to which they can attach for controversy or reflection. The author of the report has never asserted, nor does he believe that the power to charter a bank is contained in this particular grant. But he has no doubt, that if in *providing* for the common defence and general welfare, Congress should find it necessary to levy taxes, duties, imposts, and excises, to administer the finances of the country by means of a bank, the power, the duty, and the purposes thus combined, would justify them in the establishment of such an institution. The general power to charter a bank must be derived from other grants.

If, however, by the denomination of "harmless words" applied to the terms common defence and general welfare, or if the chronological tracing of their genealogy through the stages of their progress in the constituent convention, back to the articles of confederation, the purpose of Mr. Madison's argument is to show that these words, associated as they are in the Constitution with the grant of power to tax, and with the injunction of Congress to provide for, have no more vital efficacy than they had in the articles of confederation, where separated from the power of taxation disburthened from the obligation *to provide*, they were confined to the exercise of an authority to settle accounts for expenses and charges incurred, then, with the most perfect deference for the opinions of Mr. Madison, the reporter of the Committee of Manufactures is constrained to dissent from them.

That the words were not in the articles of confederation themselves deemed altogether harmless, is proved by the consideration that the power of the United States in Congress assembled, to *ascertain* the sums and expenses necessary for the *defence and welfare* of the United States, or any of them, was one of the substantive powers which they were interdicted from exercising, unless with the assent of nine States. The power granted to the Confederation Congress was to *ascertain* the necessary sums and expenses: and so substantive, though not indefinite, was that power deemed, that its exercise was prohibited, unless with the assent of nine States. The power granted to the Constitution Congress is, to levy taxes, imposts, and excises, and the duty enjoined upon them is, to *provide* for the defence and welfare of the Union, by the expenditure of the monies levied. In the articles of confederation, it was a substantive specific grant of power, in which the words *defence and welfare*, as indicating the purposes for which the power might be exercised, were so far from being thought harmless, that they warranted the expenses which Congress were authorized to ascertain, and so substantive, and so far from indefinite was this grant of power considered, that it was classed in the same paragraph with the

powers of engaging in a war, of granting letters of marque and reprisal in time of peace, of entering into treaties or alliances, of coining money, of regulating the value thereof, of emitting bills, of borrowing money on the credit of the United States, of appropriating money, of agreeing on the number of vessels of war to be built or purchased, or upon the number of land or sea forces to be raised, and of appointing a Commander-in-chief of the Army or Navy. For the exercise of any one of these powers the Articles of Confederation made the assent of nine States indispensable. The terms defence and welfare, in this case, though unaccompanied by the epithets common and general, must be understood as of the same import as they bear in the Constitution, connected with them. They are the exponents of a definite specific power, as well in the Articles of Confederation as in the Constitution of the United States. In the Articles of Confederation it was a power to *ascertain* expenses necessary for the specified objects, and the abuse of the power was foreclosed, by requiring a majority of two thirds of the States for its exercise. In the Constitution it is a power to tax the People, granted to Congress with the injunction to provide for the common defence and general welfare, by the expenditure of the proceeds of taxation. It is as specific and definite as the other injunction, to pay the debts of the Union with the proceeds of the same taxation. It is a grant of power to Congress, like the other general grants to the same body, and is not one of those requiring more than a majority of the two Houses, with the sanction of the Executive, for its exercise.

The *extent* of the power conveyed to Congress by this grant, is undoubtedly dependent upon the construction given to them "to provide for the common defence and general welfare." It is a question of more or less, and the opinion that they contain (as connected with the power to tax) no intrinsic meaning appears to me as erroneous as that which assigns to them indefinite and arbitrary power.

I have shown that Mr. Jefferson and the eighth Congress, practically gave to them by their acts for consummating the acquisition of Louisiana, a more enlarged construction than I deemed admissible. A construction, however, sustained by the acquiescence of the people, and in which I have therefore acquiesced. Before the acquisition of Louisiana, I should have held the power granted to Congress in this paragraph amply competent to provide by taxation upon foreign competition, for the defence of domestic industry. Since the extension given to the constructive power by the Louisiana Purchase legislation, I have considered that power enlarged to the comprehension of all objects as clearly adapted to the common defence and general welfare, as the purchase and annexation to the Union of Louisiana. Indulging Mr. Jefferson and the eighth Congress in their liberality of construction to this

paragraph, necessary to bring within the pale of the Constitution, the statutes which they did enact and execute to consummate the acquisition of Louisiana, I cannot consent that they should then step back and say, we have adopted the latitudinous construction for an object specially suited to our own interests and purposes, and now we will return to the doctrines of rigid construction. The acquisition and annexation to the Union of Louisiana was an achievement of great importance to the common defence and general welfare of the Nation, and I will not deny that by its magnitude it warranted the application of a very liberal principle of construction to the powers of Congress for effecting it. But I cannot allow that Mr. Jefferson, as President of the United States, but at the same time a citizen of a Southern slave holding State, should adopt a broad and liberal construction of the terms in which power had been delegated to him, for the accomplishment of one set of measures, transcendently advantageous to the Southern and slave holding interest; and to then retreat upon a narrow and niggardly construction of the same terms, to deny the power of Congress to protect the manufactures of the North, of the Centre, and of the West, from foreign rivalry and competition.

That Mr. Jefferson did so, it is not my intention to affirm. That he had no doubt of the power of Congress to protect the native interest, not only by taxation, but by prohibition, has been amply proved, and particularly by one of his messages to Congress, an extract from which was read by me to the House of Representatives in the course of the debate upon the Tariff Bill yet under the consideration of Congress. Mr. Madison doubts as little as Mr. Jefferson, and his letter to you, of which you have permitted the publication to refute the supposed heresy divulged in the Report of the Committee of Manufactures, proves by its date that it was written by him for no such purpose. The substantial argument of Mr. Madison's letter is, that the terms common defence and general welfare do not convey a grant of substantive and indefinite power. So say I. Mr. Madison says that the power of Congress to protect domestic by taxation upon foreign industry is implied in the power to regulate commerce. So say I. And I add that it is also contained in the grant of power of taxing to *provide for the common defence and general welfare*. In both cases the power is implied. It is a constructive power, and so far as I am able to judge of the force of language, the derivation of the power from the duty to provide for the common defence and general welfare is more direct, more immediate, less needing a winding stair-case of argumentation to come to the result, than its derivation from the power to regulate commerce. The publication, apparently by your authority, of a private letter from Mr. Madison to you, with the avowed purpose of affixing the brand of heresy upon a principle asserted by me in a document prepared in

discharge of a public duty assigned to me by yourself, will, I trust, be a sufficient apology to you and to the public, to warrant my addressing you in this manner, rather than upon the floor of the House.

I am very respectfully, sir, your servant and fellow-citizen,  
JOHN QUINCY ADAMS.

